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CONFLICT RESOLUTION IN AFRICA: THE OAU INVOLVEMENT IN THE NIGERIA/BIAFRA WAR

by

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DEDICATION

This thesis is dedicated to the memory of Dr. Kwame Nkrumah, the late President of Ghana, a man whose vision of Africa is becoming to crystalize.

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CHAPTER 1

INTRODUCTION

In his address to the first summit conference of the African Heads of State and Government in Addis Ababa on the 22nd of May, 1963, Emperor Haile Selassie of of Ethiopia said:

> The nations of Africa, as is true of every continent of the world, from time to time dispute among themselves. These quarrels must be confined to this continent and quarantined from the contamination of non-African interference. Permanent arrangements must be agreed upon to assist in the peaceful settlement of these disagreements which, however few they may be, cannot be left to languish and fester.[1]

This statement calls for the domestication of conflicts arising from African geopolitics and at the same time, emphasizes the institutionalization of a permanent peace management mechanism for resolving them. The tests for this statement came almost immediately in a successive rapidity for example, the Algeria-Morocco border conflict 1963, the Ethiopia-Somalia-Kenya irredentist conflict of 1964, and the Tanganyika (now Tanzania) Military Mutiny of 1964. The question then arises, how has the Organization of African Unity (OAU) succeeded, not only in resolving these conflicts, but in isolating them from outside interference? This question has also been asked in relation to the mechanisms for conflict resolution used by the OAU in the Nigeria/Biafra War. This is the question dealt with in this thesis. The application of phrases like 'Nigerian War,' 'Nigeria Civil War,' and the 'Nigeria/Biafra Conflict' in this thesis, will be construed as reference to the Nigeria/Biafra War.

The OAU machinery for the peaceful settlement of disputes applies to interstate conflict alone. In other words, jurisdictionally, domestic or

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intrastate conflicts are supposed to remain outside the purview of the Commission of Mediation, conciliation and Arbitration.[2]

Since the jurisdictional competence of the institution set up by the OAU for settling disputes is restricted to interstate conflicts alone, the basic proposition is, that when an intrastate conflict becomes an issue before the OAU, its propensity for intervention is likely to be handicapped. First, because there is no provision for its entertainment and second, because of the legality of certain principles in the Charter for example, the principles of noninterference and territorial inviolability of the OAU member states. Interestingly, despite its prohibition under Article 3 (ii) of the charter, the OAU has not been reluctant to intervene in a crisis situation of its members for example, the Congo crisis of 1964-1965.

The OAU handling of the Nigeria/Biafra Conflict raises some fundamental questions which are related to the nature of the conflict and the charter of the OAU. Basically, the Nigeria/Biafra Conflict was an internal affair of Nigeria which should not, under strict interpretation of the OAU charter, have become an issue for consideration by the OAU. The non-interventionary position of the OAU under its charter is viewed generally as a corollary of the principle of sovereignty of the member states. And as pointed out by Andrew Scott, "nonintervention is an obvious corollary of national sovereignty, for if national sovereignty is good, interference with a state's integrity must be bad."[3] Why then did the OAU mediate in the Nigerian War? What interpretations are given to the OAU involvement in settling the Nigeria/Biafra Conflict? This analysis has explained the mediatory phenomena of the OAU in the context of the above questions.

The OAU also recognizes the principle of self-determination under paragraph two of the Preamble of the Charter. The Biafrans invoked this principle

to press for world recognition. Although, the principle of self-determination is universally recognized, yet, its application in Africa, seemed to have been restricted to certain circumstances notably, the freedom fighters under an alien rule. Moreover, the principle of self-determination has been beset by many interpretational problems. This thesis will highlight these problems for analysis, for example, who should have the right to self-determination or when is it supposed to be carried out? And how is this principle perceived by African leaders vis-a-vis the charter of the OAU.

Having treated all of above, the primary focus of this study is to examine the role of the OAU in the Nigeria/Biafra Conflict and its 'effectiveness' in dealing with such an intrastate conflict. Since the Nigeria/Biafra Conflict was a domestic affair of member state, Nigeria, and the OAU is not specifically equipped to handle a conflict of this sort, this study will examine the mediatory roles of the ad hoc committee institutionalized by the OAU to handle this conflict. As used in this study, the term 'effectiveness' denotes the ability to achieve the desired goals. It is also pertinent to note that the OAU handling of the Nigeria/Biafra Conflict was not atypical of the OAU experience, it has faced similar situations in Congo (1964-65). However, the Nigeria/Biafra Conflict offers an important case study for the following reasons: First, it was a domestic affair which under Article 3 (ii) of the charter, should have debarred the OAU's involvement. Second, the intensity of the conflict coupled with certain concepts that surfaced during the conflict, had made it somewhat difficult for the OAU to involve itself effectively. This is to say, that whatever diplomatic strategy was adopted by the OAU in dealing with the Nigeria/Biafra Conflict, its peace initiative was likely to be emasculated if it were to hold to the principles of

noninterference and territorial inviolability under Article 3 (ii) and 3 (iii) of the OAU charter. This analysis will be related to how the OAU had 'circumvented' these principles and mediated. And third, the longevity of the Nigeria/Biafra War vis-a-vis the OAU period of involvement in the settlement process of the war, has provided a good case for examination.[4]

Beyond this brief introduction, the thesis has the following chapters: chapter one deals with the basic institutions of the OAU and in addition, conceptualizes the principles of self-determination, noninterference and territorial integrity of the OAU member states. Since these were the most recurring issues in the Nigeria/Biafra Conflict, this section examines all these principles within the framework of the OAU. Chapter two deals primarily with the mediatory activities of the OAU in the conflict. The concluding section attempts to assess the effectiveness of the OAU in dealing with the conflict of this sort, thus, this analysis will help highlight some of the factors that affect the OAU performance.

A. THE ORGANIZATION OF AFRICAN UNITY

The pomp and pageantry that characterized the gathering of the African Heads of State and Government at Addis Ababa on the 23rd of May, 1963, was, historically, a momentous one. It symbolized the dawn of a new era, by which, for the first time, an instituional framework within which the peoples of Africa[5] could interact, discuss, and formulate a program of far-reaching consequences came into being. "With the formation of the OAU," wrote Thompson and Bissel, "there finally existed a continental organization which translated institutionally what African brotherhood amounted to at its greatest."[6]

The formation of the OAU can also be seen by and large, as a culmination of the historical continuity of attempts made by Africans and peoples of African descent in the pan-African movement up to the period of "Bloc politics" in Africa. And from that time on, the drive towards a pan-African unity had helped to syncretize the ideological differences of these Blocs over the variously interpretation of the goals and objectives of what ultimately emerged as OAU. "The continental search led through many 'groups' and conferences to the summit at Addis Ababa,"[7] wrote I. William Zartman. Some of the regional subsystems which had existed before the formation of OAU were; the Casablanca, Brazzaville and Monrovia blocs.

While the Casablanca group whose membership included such countries like Ghana, Guinea, Algeria, Mali, and the United Arab Republic (UAR) were

more disposed to a continental organization having some kind of executive authority, their Brazzavillian counterpart mostly the Francophone African countries, were more disposed to a functional type of integration. The third group, Monrovia, was moderate in its own approach toward African unity. It existed more or less as a reconciliator of the differences between the other two blocs. Its membership included Nigeria and Liberia. The ideological rapprochement of these blocs, culminated what can be regarded as "a decisive reply to the chorus of political cassandras throughout the world, who, pointing to the divisions that had developed in Africa since 1958, were convinced that Pan-Africa unity was an ideal bound to disintegrate once it confronted the realities of the African situation."[8]

As provided under Article vii of the OAU charter, four principal institutions were established for the purpose of carrying out the activities of the organization. These institutions were: the Assembly of Heads of State and Government; Council of Ministers; General Secretariat and the Commission of Mediation, Conciliation and Arbitration.

The Assembly of Heads of State and Government

The Assembly of Heads of State and Government is, by definition of Article VIII of the OAU charter, "the supreme organ of the organization." It is composed of Heads of State and Government or whosoever is accredited to fill that representative capacity. The Assembly is required to meet once in a year however, an extraordinary session can be held with the concurrence of the two-thirds of its members. The Assembly has a wide range of authority to decide or adopt resolutions on any issue and to determine

its own procedural rules. However, it has no authority to enforce compliance of its own resolutions.

The Council of Ministers

The Council of Ministers occupies a position of prominence next to the Assembly of Heads of State and Government. Its membership consists of foreign ministers of member states or anyone designated for that purpose. The council can meet twice in a year however, an extraordinary session is permissible provided two-thirds of its members concur to such a proposition. While the decisions of the council require a simple majority of its members, apparently, there is no such distinctive dichotomy between procedural and substantive questions. Moreover, while the council is charged under Article XIII (i) of the charter "with the responsibility of preparing conferences of the Assembly," Article XIII (2),placed the onus concerning "the implementation of the decisions of the Assembly of Heads of State and Government" on them too.

General Secretariat

The General Secretariat is the only permanent institution of the OAU and is headed by the Secretary-General. The Secretary-General is appointed by the Assembly of Heads of State and Government for a period of four years and can seek for a re-election. The Secretariat is practically administrative by definition of Article XVI of the charter. Although, it is apolitical by design, however, it is still "charged generally with supervising the implementation of decisions made by the Council of Ministers concerning all economic, social, legal, and cultural exchanges of member states."[9] In

pursuit of these administrative duties under Article XVIII (i), the Secretariat is not obligated to any government while member states have also pledged themselves under Article XVIII (ii), to respect the "exclusive character of the responsibilities" of this institution.

The Commission of Mediation, Conciliation and Arbitration

This is the fourth institution of the OAU established under Article VII (4). The OAU members, having pledged themselves to settle their disputes through peaceful means, proposed under Article XIX of the charter to establish this commission. The raison d'etre for setting up this commission is understandibly relevant to the political realism of the continent ladden with internecine disputes arising partly from the incident of colonialism for example, border disputes. The modus-operandi of this commission according to Article XIX, is to be worked out under a separate protocol. The final draft of this protocol was ratified on 21 July, 1964, in Cairo (U.A.R.). The salient feature of this commission is reflected in Article VII of the charter which designates this commission as one of the principal institutions of the OAU. The Commission is not a functional equivalent of the international court at Hague which can interpret the resolutions and charter of the U.N. Under Article XVIII of the protocol, the commission is merely equipped "to conduct an investigation or inquiry for the purpose of elucidating facts or circumstances relating to a matter in dispute..."

This section has presented an overview of the OAU institutions and some of the legal principles operative in an internal crisis situation in Africa. Even where the OAU does become involved in a crisis of a member state, its operational capacity is problematic when none of the OAU institutions possesses any means to enforce its decisions.

B. THE PRINCIPLE OF SELF-DETERMINATION: THE OAU AND THE NIGERIA/BIAFRA WAR

The principle of self-determination raises some important questions which cannot be ignored particularly in analyzing the Nigeria/Biafra War vis-a-vis the OAU charter. Some of the pertinent questions raised are; under what circumstances is the principle of self-determination exercisable? Who actually has the right to self-determination? Is Biafran secessionism, the most practical way to exercise the principle of self-determination? Lastly, is the Biafran interpretation of self-determination compatible with the understanding of the African leaders or the OAU charter? This section will try to answer these questions.

The charter of the OAU recognizes "the inalienable right of all people to control their own destiny."[10] Interestingly, this principle is one of the vital contributions of the OAU to international law which recognized the universal applicability of the principle of self-determination.

However, paradoxically, what is purported to be the inalienable right of the people under the OAU charter, seems to have been complicated under Article 3 (iii) of the same charter which prescribes "respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence." Additionally, paragraph five of the OAU resolution on the border disputes among African states, recognizes the heritage of the African colonial boundaries as a "tangible reality."[11]

A logical corollary of this, is a rejection of territorial aggrandisement

of any member of the OAU or more aptly, it is an endorsement of the Berlin Act of 1884 which partitioned the continent of Africa by the European Powers. According to Basil Davidson, "The OAU went on to inscribe its golden rule on the tablets of diplomacy. This was that the colonial frontiers were never to be called in question."[12] It is truism, that the OAU founding fathers were highly susceptible to the prevailing political arrangement in Africa specifically, "that every African state harbours within itself incipient trends of ethnic particularisms and fissions which could quickly lead to secessions..."[13] if the principle of self-determination is to become a freely exercisable concept. And for this reason, African leaders have sought "to stabilize the status quo by legitimizing not only the existing colonial borders but also the involuntary membership of peoples in states into which they were "fenced" by the colonial borders."[14] Realistically, from the foregoing analysis, it is clear that the claim to the principle of self-determination has been "wholly overridden by the claim of the states to maintain their sovereignty and integrity unimpaired"[15] under the OAU charter.

What interpretations are given to the principle of self-determination? Who is eligible to use this principle? In Africa, the principle of self-determination has been applied basically to those countries still under dejure colonialism. Once independence is achieved, the principle ceases to apply. It has thus become part of the conventional wisdom of African leaders for example, to refuse support for any secessionist movements like the Eritrean Liberation Front (E.L.F.) against the Ethiopian Government (although some African countries are supporting this movement e.g. Sudan) when in fact, they collectively lent their support diplomatically, morally and

financially to the Mozambique Liberation Front (FRELIMO) during its struggle against Portuguese rule. With this "restricted" interpretation, the principle of self-determination is characteristically not a concept in the arsenal of the OAU diplomacy to be involved randomly, it has its limitations. And secession is doubtless one of those limitations.

It is worthwhile to note, that the charter of the UN like the OAU charter, recognizes the universality of the principle of self-determination when it states in Paragraph Two of the Declaration of the Granting of Independence to Colonial Countries and Peoples that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." However, Paragraph Six of this declaration has a cautionary note that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the charter of the United Nations."[16] While the legitimacy of all peoples to self-determination is recognized by the United Nations, the concept of territorial inviolability as couched in the above resolution, is, for all practical purposes, at variance with the other purposes and principles of the UN.

Can a unilaterally declared secession of Biafra fit the principle of self-determination? Or, more importantly, can the Biafran 'circumstances' be related to the criteria generally recognized by African leaders? It is necessary to point out, that separatist sentiment has been one of the facts in the Nigerian political history.[17] However, the Biafran Separatism was a unique one because the threat of secession was, in actuality, carried out.

The Biafrans maintained that they were no longer wanted in Nigeria because of the massacres of the Easterners in the Northern Nigeria and for this reason, entitled to determine their own destiny. According to the Biafran leader Lieutenant Colonel Ojukwu, "Biafra's revolution is, ...an indigenous expression of African self-determination."[18] But the OAU responded in a tone reflecting the intolerability or absurdity of secession as a practical way of exercising the principle of self-determination by condemning it in its Kinshasa resolution on Nigeria. As S.K. Panter-Brick has pointed out, "...the pan-African Movement remains hostile to any further fragmentation of the continent, and is ready to applaud any amalgamations of existing states into larger units. The right to self-determination is something which may legitimately still be exercised, but only in a one way direction."[19] Since the OAU is a manifestation of pan-Africanism which aims at the creation of a supranational entity, African leaders have come to recognize the impracticality of this goal if part of the African continent is to remain under colonialism. And for this reason, the OAU has established a Liberation Committee with its headquarters in Dar-es-Salaam (Tanzania). This Committee is charged with the responsibility of liquidating the remnant of colonialism in Africa by coordinating the activities of the Liberation Movements.

OAU has not only supported the Liberation Movements in Africa both morally, diplomatically and financially, but it has also come to recognize the legitimacy of these movements as the only practical way to exercise the principle of self-determination. "This is the essence of self-determination in its present incarnation," wrote Rupert Emerson, "and when it has run its

anti-colonial course, it will ...have exhausted its mandate."[20]

The Biafrans had also interpreted differently the principle of respect for the territorial integrity of member states. According to Lt. Col. Ojukwu, "Our understanding of that part of the charter (Article 3 iii) is that it can legitimately be invoked if one member state attempts to enlarge its territory at the expense of another member state, but certainly not in respect of the emergence of new states arising from the disintegration of a member state."[21] This is an interpretation that reflected the Biafran viewpoint but gained little audience among other African leaders. Thus, the conflicting points of view of the principle of self-determination have indicated another "...tragic reminder that the concept of self-determination must be understood, not as a principle for unilateral implementation, but as a principle guiding the adjustment of competing claims for national recognition in a system of international order."[22]

From the foregoing analysis, it is apparent that a discrepancy exists between the principle of self-determination and its application. Alluding to this discrepancy, Rupert Emerson said:

> An examination of self-determination runs promptly into difficulty that while the concept lends itself to sample formulations in words which have a ring of universal applicability and perhaps of revolutionary slogans, when the time comes to put it into operation it turns out to be a complex matter hedged in by limitations and caveats.[23]

Why do these inconsistencies exist? The charter of the OAU recognized for instance, the artificiality of the boundaries bequeathed to Africans by their erstwhile colonizers. Any attempt to redraw the colonial boundaries declared President Tsiranana of Malagasy "...is no longer possible, nor desirable, to modify the boundaries of nations, on the pretext of racial, religious or

linguistic criteria... should we take (these) as criteria for setting our boundaries, a few states in Africa would be blotted out from the map."[24]

On the other hand, secession poses the possibility of the disintegration of the African states. "The strong resistance to any further exercise of the right to self-determination," wrote Panter-Brick, "is grounded primarily in the apprehension, which appears to be widespread, that secession, once admitted to be legitimate, would be destructive of all the states now existing."[25]

A rebalkanization of Africa has raised fears of chaos and anarchism because, it is likely to continue proliferating the incident of border conflicts among the fragmented mosaic of ethnic nation states. For example, where the delineated boundaries are unsatisfactory to some ethnic groups. Or, as the Nigerian External Commissioner had put it in his address to the UN General Assembly on October 11, 1968, "Were we to permit secession and armed insurgence based on tribal states, Africa, so much in need of union and unity, would again be fragmented into thousands of tribal principalities; Africa, again weakened and uncertain of itself, would be re-colonized and more intensively exploited by foreign powers..."[26] The "African insistence on maintenance of existing states is not selfish whim," wrote Ruper Emerson, "but a profound political necessity."[27]

It is therefore highly unlikely, that any organization will endorse such measures fissiparous to its own organizational setting simply in an attempt to foster the principle of self-determination. More importantly, the survival of any organization depends by and large, on the dimension of its cohesiveness. And, to refuse to hold in check, the appearance of secession, is to undermine its own existence.

The UN Secretary General, Uthant referred to the UN experience in the Congo secessionist rebellion as a point of reference to make a distinction between the application of self-determination asked for by the Biafrans during the Nigerian crisis and the universality of this principle adhered to by the UN when he said:

> This has been the tradition since the establishment of the United Nations. You will recall that the United Nations spent over $500 million in the Congo primarily to prevent secession of Kantaga from the Congo. So, as far as the question of secession of a particular section of a member state is concerned, the United Nations' attitude is unequivocable (sic). As an international organization, the United Nations has never accepted and does not accept and I do not believe it will ever accept the principle of secession of a part of its member state.[28]

This is, to be sure, an indication that secession by definition, is not to be taken as a means to exercise the principle of self-determination. The neologism of self-determination in African international law, has a restricted application. As pointed out by John H. Spencer, "...African states have now 'crossed the divide' from the dynamics of "self-determination" into the area of status -- that is, the maintenance of independence and of frontiers -- and the protection of territorial integrity."[29]

The commitment of the OAU to the maintenance of the boundaries of its member states is understandable. Naturally, to give its blessings to the Biafran Secession in the opinion of African leaders, would open up the Pandora's box of secessionist agitations in Africa. "If we in Nigeria fail," Major-General Gowon said, "there is no guarantee that other African leaders can contain secessionist movements in thier own parts of the continent."[30] With this statement, African leaders seemed to have heeded or taken into consideration, the Nigeria's prognostication by refusing to recognize the "legitimacy" of the Biafra's demand for for an independent existence through self-determination.

Although, the principle of self-determination can be seen as a corollary of anti-colonial ideology in Africa but then, ironically, the prevailing political climate remain somewhat different. Despite the legitimatization of the colonial boundaries by the OAU and the interpretation given to the principle of self-determination, all of these, remain an unpalatable antidote to ethnic chauvinism as Africa continues to witness a sporadic outburst of separatist conflicts in Kenya, Ethiopia, Congo (Zaire), and Angola.

C. THE CONCEPT OF NON-INTERFERENCE: THE OAU AND THE NIGERIA/BIAFRA WAR

One of the points made by Nigerians during the war, was that an internal affair of member states should not be part of the agenda of the OAU. Nonetheless, the OAU, while recognizing the conflict to be Nigeria's domestic affairs, still went ahead to treat it as an African affair. And with its 'Africanization," the Nigeria/Biafra conflict was transferred from its local context to a continental concern. In the opinion of Pioneer of Kumasi (Ghana), "Africa must be bold in matters pertaining to her own survival and unity. What is happening in Nigeria is not and must not be an exclusive property of Nigeria. It has wide repercussions in the whole of Africa."[31]

The purpose of this section, is to conceptualize "noninterference" vis-a-vis the OAU charter and finally, to relate the principle of non-interference to the Nigerian civil war.

The OAU charter recognizes the principle of equality of member states. In this sense, regardless of the size of a member state, or other geopolitical considerations, no member state can arrogate to itself, the position of first among the equals. The purpose of the concept of sovereign equality in Article 3 (i) of the OAU charter was "the desire of the larger members to allay the fears of the smaller ones in the context of the new spirit of unity and solidarity."[32] Moreover, while Article 3 (ii) of the OAU charter was a pledge of "noninterference in the internal affairs of states," Article 3 (v) unreservedly condemns in all its ramifications, "political assassinations as

well as of subversive activities on the part of neighboring states or any other state." Theoretically, each of these principles prohibit interference of the OAU or any of its members in an intrastate conflict. Also, Article 3 (ii) of the OAU charter can be said to be a semblance of Article 2 (7) of the UN charter when it states: "Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..." Additionally, Article 3 (iii) of the OAU charter is another prescriptive clause binding all the member states to respect the sovereignty and the territorial integrity of one another. Thus, the totality of Article 3 (i) (ii) (iii) and (v), can be interpreted as a "desire to be left alone, to be allowed to choose its particular political, economic, and social systems and to order the life of its community in its own way, is a legitimate one for large and small states alike..."[33]

On the other hand, in his book entitled: Towards a Pax Africana, Ali Mazrui said, the "organization of African unity was created on the basis of a continental mystique (and) out of this mystique, ...a principle of continental jurisdiction emerged." This principle also presupposes an assertiveness "that there are certain African problems which should only be solved by Africans themselves."[34] Since the OAU is concerned basically with the mechanism for resolving interstate conflicts, the principle of continental jurisdiction which is "an aspect of pan-Africanism,"[35] can be presumed as having a jurisdictional competence over interstate conflicts as well as intrastate conflicts that are likely to be prejudicial to the aims and purposes of the OAU for example, a civil war.

One of the ideological appeals of the principle of continental jurisdiction is probably the shibboleth of "we are all Africans." To be all

Africans, means a shared sense of commonality, of common destiny, cooperation and pacification.[36] In a nutshell, it is synonymous to "Pax Africana"[37] which "...the organization (OAU) was unwilling to abdicate responsibility for peace maintenance and conflict resolution within Africa on the technical ground(s) that it has not been established to promote peace within a member state."[38]

The sentiment of Africanness also expressed itself in the principle of racial sovereignty. According to Ali Mazrui, "it should not be inferred that the principle of racial sovereignty is intended to replace that of state sovereignty. Like the Monroe Doctrine, the principle of racial sovereignty merely introduces an additional dimension of the doctrine of non-intervention."[39] The principle of racial sovereignty has created an "African family" concept and presumed that anyone within that familyhood, can 'interfere' in the family affair. Moreover, according to the principle of racial sovereignty, Kenya's 'interference' in Ghana's affair for instance, is an 'interference' in the African family affair but a violation of external territoriality of Ghana according to state sovereignty. Furthermore, the principles of racial sovereignty and continental jurisdiction have legitimized Algeria's 'right' to 'interfere' in Togo's internal affairs in an extreme case like a civil war, and in the same way, Togo can 'interfere' in Algeria's internal affair. However, given the same situation, the British 'interference' in Togo's affairs for instance, will be tantamount to an 'interference' in an African family affair or an interstate interference.[40]

We can then infer, from the foregoing analysis, that the African international system has added a new dimension to the principles of the existing international law particularly operative rules not entirely akin to the conventionalism of international law:

> ...international law now seems to be intended to govern relations between states in general and makes no distinction as between continental locations of states. But African diplomacy appears to recognize two levels of law. One level is indeed that of international law to govern relations between nations at large. The other level is a kind of pan-African law to govern relations between African states themselves. This latter is still much less codified than is traditional international law. ...so far the ultimate documentary expression of pan-African law is the charter of the organization of African Unity.[41]

Thus, the concept of noninterference has been counterposed not only by other ideological inclinations pointed out above, but within the OAU charter itself, this concept seems to have been outweighed by other factors. Under Article 3 (vii) of the OAU charter, it is affirmed that member states shall maintain a neutral position in the ideological schism between East and West. This conception is tantamount to regulating the behavioral pattern of external interaction of the member states of the OAU instead of allowing the internal real-politik to be the determining factor. And since all the member states of the OAU both old and new must adhere to this principle, logically, it implies an 'interference' of the OAU in the internal decision making process of its members despite its principle of noninterference. Moreover, one of the avowed purposes of the OAU under Article ii (d) is "to eradicate all forms of colonialism from Africa." To accomplish this objective will probably require at least, abandoning the principle of non-interference, without that, such goal would remain unattained.

The OAU involvement in the Nigerian Civil War has taken an initial form of discussion that culminated the appointment of a Consultative Committee on the war. Can discussion constitute intervention or an infringement of the OAU charter? The OAU attitude about its involvement in a domestic issue like the Nigerian Civil War seemed to suggest an interpretation which "has

never given any support to the proposition that placing a matter on the agenda and discussing it, whatever the subject matter, could constitute "intervention" in the domestic affairs of a state."[42]

According to the advisory opinion of the International Court of Justice in the Certain Expenses Case, "...when the organization takes action which warrants the assertion that it was appropriate for the fulfillment of one of the stated purposes of the United Nations, the presumption is that such action is not ultra vires the organization."[43] This assertion can be advanced in support of the OAU involvement in the domestic affairs of its members. Since the OAU has subscribed to the UN charter under Article 2 (ie) which states: "to promote international cooperation, having due regard to the charter of the United Nations and the universal Declaration of Human Rights." The OAU also has an obligation as a regional organization of the United Nations under Article 52 (i) to deal with "matters relating to the maintenance of international peace and security as are apporpriate for regional action..."

The OAU recognized the civil war in Nigeria as an internal responsibility of Nigeria in the same way it recognized the conflict in Congo as its internal affair. "The OAU has rightly seen our problem as a purely domestic affair and in accordance with the OAU resolution, your mission is not here to mediate,"[44] Gowon told the OAU Consultative Committee in Lagos on the 23rd of November, 1967.

Notwithstanding Nigeria's insistence, two things must be recognized here. First, according to Rafiu Akindele, "it is well known that traditional international law, operating on the assumption that a civil war is per se a matter within the domestic jurisdiction of the victim state, limits the

grounds for unsolicited intervention by other states, although it by no means imposed an absolute prohibition."[45] Undoubtedly, the OAU charter is a restatement of pan-Africanist commitment "to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa."[46] On that basis, the Nigerian Civil War cannot be treated in isolation or detached from the reality of the world characteristically inter-dependent or linked together in a web of cultural political, military and economic relationships. "We have not stood rigidly on our legal right to refuse to discuss our domestic problem with an outsider," the Nigeria's External Affair Commissioner Dr. Okoi Arikpo said, "rather, we welcome ...our African friends ...(and) we will share our thoughts with them."[47]

Secondly, the principle of "international concern" is likely to become a defeatism to the principle of domestic jurisdiction of a state, moreso, when the consequences of the issues at stake are so grave like a civil war to be left to the whims and caprices of the country involved.

The OAU involvement in the Nigerian Civil War cannot be construed as an infraction of its charter. Although, under Article 3 (iii) of the charter, the OAU is not expected to intervene in matters within the domestic jurisdiction of its members. But, the international court has ruled that any action taken in pursuance of one of the stated purposes of an organization could not be ultra vires of the organization. The OAU has a purpose of maintaining peace, cooperation and progress of African states and its peoples, thus, its involvement in the Nigeria/Biafra conflict under the international court rule, was justified.

Moreover, while Nigeria's insistence on the privatization of the conflict was recognized, the OAU involvement as we shall see later, was advantageous to Nigeria in containing external involvement in the conflict.

The OAU predilection for involvement was not only a realiziation of the negative repercussions of the war both on Nigeria and Africa as a whole, but also, an awareness that "'nonintervention' is not only patently impracticable but unatendable in an age that cannot turn its back on outbreaks of political violence anywhere."[48]

I have pointed out too, the relevances of the principles of continental jurisdiction and racial sovereignty in African international relations. Fundamentally, where the rules are not specifically laid down for a third party 'interference' in an internal affair of a member state through Good Offices for example, these two principles seem to have filled that vacuum.

It is important to emphasize that whatever ideological climate prevailing in Africa, their system of conflict resolution, political and economic survival must be mutually related to the level of cooperation existing among African states. The OAU requires among its members some form of functional cooperation on issues that affect its members either individually of collectively to be able to justify the existence of their organization founded on the ground to promote cooperation and well being of African peoples. Apart from bilateral cooperation pervasive between one African country and another, particularly on trade, in an internal conflict situation of a member state, a negotiated settlement has been brought about through a third party mediator e.g. Nigeria was singularly involved in settling the internal conflict in the Chad Republic. Internationally, African countries have always presented a common front on matters of common interest to them e.g. the Lomé Agreement between the European Economic Community (E.E.C.) and the 58 African Caribbean and Pacific States on trade and other forms of cooperation. On interstate conflict resolution, the OAU lacked the effective machinery to enforce compliance of the decisions of the Commission of Mediation, Conciliation and

Arbitration.

In conclusion, as Richard A. Falk has observed, "the renunciation of intervention does not substitute a policy of nonintervention; it involves the development of some form of collective intervention."[49] Perhaps the OAU can always justify its 'interference' in a domestic affair of a member state on the basis of its collective approach.

CHAPTER 2

THE EXTENT AND SCOPE OF THE OAU INVOLVEMENTS

What precipitated the Nigeria/Biafra War cannot be attributed wholly to a few incidents of crises that surfaced immediately preceding the war. Churning beneath the surface of the Nigeria politics was a cluster of issues which eventually exploded into a civil war for example, the coup d'etat of January 15, 1966 and which was followed by a counter coup d'etat in July 29; the Biafran massacres in the North between late September and early October 1966 and, the creation of twelve states out of the existing four regions on May 27, 1967.[50] Basically, the thesis is not concerned about the etiology of the Nigeria/Biafra War, but it can be pointed out, that the declaration of the former Eastern Nigeria as an independent sovereign state of Biafra, was a trigger that touched off the powder keg. With the declaration of Biafra as an independent sovereign republic, on the 30th of May, 1967, fighting broke out between Nigeria and Biafra on the 6th of July, 1967.

What are the motivational factors that influenced the OAU involvement despite opposition from the Federal Government of Nigeria against the internationalization of the conflict? The highlight of these motives, in the final analysis, can explain the OAU mediatory efforts in the conflict resolution of this sort.

To stick tenaciously to the principle of noninterference entrenched in the charter, when a war of attrition was going on in a member state, and when international attention was focused on it, will probably raise the

question concerning the utilitarian purpose of the OAU. As an organization "inspired by a common determination to promote understanding and cooperation of its peoples and states,"[51] all these objectives can hardly be sacrificed in favor of the principle of noninterference, particularly in a crisis situation of serious nature -- war. Moreover, the question about its usefulness can also be raised, if the OAU, having some kind of continental responsibility, can choose to ignore the war, when a sub-regional body in the African region, had expressed its concern about the Nigeria/Biafra War.[52]

Apparently, three major factors had influenced the OAU involvement. First, was the massive supply of military materiel and other forms of support given variously to Nigeria by the governments of Britain, Soviet- Union and Egypt on one hand, and France, Portugal and South Africa to Biafra on the other hand. Perhaps, this made it impossible for the OAU to remain neutral even moreso, when African leaders have insisted that an African conflict needed an African solution. The Ivory Coast Foreign Minister Mr. Usher for example, charged the OAU with "playing the role of Pontius Pilate in such a crisis on the pretext of defending a principle ... which has already been violated several times by non-African ...powers who supply both sides with the equipment needed to continue the carnage. It would be cowardly and hypocritical not to intervene in such a sad affair."[55]

The OAU was also disposed to deal with the humanitarian problems of the victims suffering from the war. At the Niamey Peace Talks on Nigeria in July, 1968, the issue of relief supplies became one of the dominant concerns of the OAU consultative committee. The OAU was also represented in the observer mission to Nigeria with other representatives from the UN, Britain, Canada, Sweden and Poland probing the allegations of genocide in the war by Biafra.

Lastly, the OAU must have been greatly influenced by its own experience during the Congo crisis of 1964 when members of the OAU were sharply polarized attitudinally between the various fractions of the Congo crisis. The recognition accorded Biafra by Tanzania on (April 13th 1968), Gabon (May 8th 1968), Ivory Coast (May 14th 1968), Zambia (May 20th 1968) and the other non-African countries like Haiti on (March 20th 1969) and the de facto recognition announced by the French Government through its Secretary of State for Information, Mr. Joel Le Theule on July 31, 1968. All these recognitions must have been seen logically, as another political danger reminiscent of the OAU's experiences during the Congo crisis. The OAU activities in the Nigeria/Biafra War cannot be divorced from its determination to prevent a repetition of another Congo situation in Nigeria. It is therefore unrealistic as argued by Frederick Forsyth that "the organization (OAU) that prides itself of being the repository of the conscience of Africa washed its hands off the biggest conscientious issue in the continent.[54] The OAU had involved itself in the chronological fashions as follows: The Kinshasa Summit September, 1967; The Niamey Peace Talks July 1968; the Addis Ababa Peace Talks August-September 1968; Algiers Summit September 1968; the Monrovia Peace Talks April 1969, and the Addis Ababa Summit September 1969.

A. THE KINSHASA SUMMIT SEPTEMBER 1967

The Assembly of African Heads of State and Government held their fourth ordinary session at Kinshasa (Zaire) in September 1967. Undoubtedly, it was the first session to be held since the fratricidal conflict in Nigeria began. Prior to the Assembly meeting, the Council of Ministers, charged with the responsibility of preparing the agenda for the Assembly, had met ostensibly without proposing on the formal agenda of the Assembly, the Nigerian crisis for its consideration. Probably, the Council must have been guided by the maxim that "unless a member state expressly requests the OAU to play some role in its domestic problems, the organization is precluded from doing so. Every member is legally and morally bound to adhere strictly to these principles."[55] However, the fact that the Assembly is not bounded by the agenda of the Council raises an optimism that the Nigerian conflict may still fall within the discursive consideration of the Assembly.

The Assembly of Heads of State and Government met from September 11th to 14th. At the closing session of the Assembly, a resolution on the Nigerian conflict was adopted after consultation with the leader of the Nigerian delegation to the summit, Chief Obafemi Awolowo as to the wording of the resolution.

In the resolution, the Assembly of Heads of State and Government solemnly reaffirmed inter alia, "their adherence to the principle of respect

for the sovereignty and territorial integrity of member states" and reiterated "their condemnation of secession in any member states." Additionally, while an emotional concern was expressed about "the tragic and serious situation in Nigeria," the resolution also endorsed the "situation as an internal affair, the solution of which is primarily the responsibility of Nigerians themselves." Lastly, while "reposing their trust and confidence in the Federal Government of Nigeria," the resolution also stated "the possibilities of placing the services of the Assembly at the disposal of the Federal Government of Nigeria." And thereupon resolved "to send a consultative mission of six Heads of State (Cameroon, Congo (Kinshasa), Ethiopia, Ghana, Liberia, and Niger) to the Head of the Federal Government of Nigeria to assure him of the Assembly's desire for the territorial integrity, unity and peace of Nigeria."[56]

The OAU consultative mission was originally scheduled to arrive in Nigeria in late September but after several postponements,[57] they finally arrived in Nigeria on the 22nd of November, 1967. Among those present in Nigeria were: Presidents Ahidjo of Cameroon, Diori of Niger, General Ankrah of Ghana, Emperor Haile Selassie of Ethiopia (Chairman). Presidents Tubman of Liberia and Mobutu of Congo were not present because of domestic affairs in their countries.

Welcoming the mission to Lagos, the Nigerian Head of State, Major General Gowon said, "the most valuable contribution the mission can make in the present circumstances is to call on the rebel leaders to abandon secession," adding, "there is no peaceful alternative to keeping Nigeria as one country."[58] At the end of their formal talks in Lagos between November 22 and 23 1967, the OAU consultative mission issued a communique reaffirming the

OAU's commitment to the preservation of unity and territorial integrity of Nigeria, General Ankrah of Ghana[59] was mandated to "convey the text of the OAU Kinshasa Summit resolution as well as discussions and conclusions of the mission in Lagos to the secessionists and report back to the mission urgently the reaction."[60] However, General Ankrah's attempt to contact the secessionist leader, Ojukwu, was unsuccessful.[61]

It is worthwhile to note the significance of the first OAU peace initiative vis-a-vis the emotional reactions of the belligerents. Despite the opposition of the Nigerian Federal Government to the 'Africanization' of the conflict, the OAU prevailed by insisting on an 'African solution to an African problem.' According to Kaye Whiteman, "in Kinshasa the Nigerians arrived saying that the matter was an internal one, and not going to be discussed, only to find a weighty consensus of Presidents who considered the affair an African one and insisted on discussing it..."[62]

In Nigeria, the Kinshasa Summit was seen largely as a "victory" over secessionism. Moreover, the OAU resolution was not seen as mediation per se, but an attempt designed primarily to "assure the Federal Government of the OAU's solidarity in its attempts to solve the Nigerian crisis,"[63] according to Chief Obafemi Awolowo. Conversely, the Biafrans saw the "Africanization' of the conflict as a "victory" because it neutralized Nigeria's consistent invocation of the consecrated principle of noninterference in the internal affairs of a member state. However, according to John de St Jorre, "the decision of the OAU to endorse the status quo was greatly to Nigeria's advantage ... though for the first time outside powers either followed its lead or were critically influenced by it.[64] Thus, the OAU initiative had served as a "shock absorber" to both the Africans and other external stimuli

to the Nigerian conflict. This was reflected in a statement made by the UN Secretary-General Uthant when answering questions on the situation in Nigeria:

> I am guided in my attitude to this problem, (Nigerian conflict) primarily by the decisions of the organization of African Unity. You will recall that the Heads of State and Government of African States met in Kinshasa in September 1967. I attended that summit conference... It was made very plain by the Heads of African States that the problem in Nigeria is an internal affair... (and) requested all the members of the United Nations and all the members of the OAU to refrain from any action likely to impede the peace, unity and territorial integrity of Nigeria. To me that is a very important guideline. If the Heads of African States have asked all the members of the United Nations and all the members of the Organization of African Unity to refrain from any action likely to endanger the peace, unity and territorial integrity of Nigeria, I do not see how a member state, or for that matter, the Secretary-General, can be actively involved.[65]

It is a foregone conclusion, that either the 'Africanization' nor the 'globalization' of the conflict was a design to bolster the Biafran separatism. Rather it was, in effect, a real negation of separatist sentimentalism. The Biafran radio, on November 24, 1968, critically biased against the 'exparte diplomacy' of the OAU, predicted the failure of its peace initiative because it "condoned genocide and ...proved itself a rubber stamp by merely endorsing Gowon's warning that their own countries would disintegrate if they did not rally to his support." The findings of the mission cannot be taken seriously, the broadcast concluded, "since it (the mission) has not even bothered to report back to the organization which set it up."[66] In a nutshell, the OAU seemed to have irrevocably committed itself to a goal of maintaining the unity and territorial integrity of Nigeria by insisting that this fledgeling republic, Biafra, should commit a political suicide by renouncing its 'sovereignty' which it had insisted, was not negotiable.

B. THE NIAMEY PEACE TALKS JULY 1968

While the attritional warfare between Nigeria and Biafra was going on, the OAU peace initiative seemed to have been put in a cold storage soon after the Lagos talks of the OAU consultative Committee. Apparently, three developments necessitated the reactivation of the peace initiative by the Consultative Committee. First, the suffering of the people in the war affected areas, had aroused public opinion that African leaders, including members of the Consultative committe, could no longer take an apathetic stand on what was going on. In other words, humanitarian sensitivity was behind the effort of Emperor Haile Selassie to resuscitate the peace initiative of the Consultative Committee. Second, the OAU Consultative Committee did not want to be robbed of its own responsibility or credibility by a non-African involvement[67] in the conflict. To shirk this responsibility probably would have provided an opportunity for a massive extra-African involvements unprecedented in an intrastate conflict in Africa. Third, the recognition accorded Biafra by four members of the OAU despite the OAU condemnation of secession, must have been seen once again as an objective reminder of the distasteful episode in Congo and which the organization had tried to avoid. Thus, the revival of the peace initiative must have been influenced in the attempt to protect the imagery of the OAU from any divisive situation. Finally, since the stumbling block to direct negotiation between the two belligerents seemed to have faded away as a result of the demonstrated willingness of both parties to engage in direct talks, the Consultative Committee was willing to explore these new developments.

The Consultative Committee met on July 15, 1968, in Niamey (Niger). Five members of the Committee were represented by their Heads of State: Niger, Cameroon, Ethiopia, Liberia and Ghana, while Congo was represented by a deputy Foreign Minister. Chief Obafemi Awolowo led the Nigerian delegation. The Committee heard Gowon who arrived in Niamey on July 16. In his address to the Committee, Gowon said: "Our basic aim is to preserve the territorial integrity of Nigeria and to guarantee to the different ethnic groups equal status. This necessarily involves the abandonment of secession." He also told them that the "rebel leaders and their foreign backers are playing politics with the whole question of human suffering in the war zones," and insisted that if the "rebels persist in their contemptuous attitude to the conference table the Federal Government will have no choice but to take over the remaining rebel held areas ...in military terms, the rebellion is virtually suppressed..."[68] Lieutenant-Colonel Ojukwu who had indicated his willingness to attend the Niamey talks, arrived on July 19 at the invitation of the Consultative Committee. On his arrival in Niamey, he (Ojukwu) met with members of the Consultative Committee "in Camera" and his address to the Committee was not made public.

The preliminary talks which began on July 20 till July 26 ended without any significant breakthrough on relief issues. Commenting on the failure to reach an agreement on relief, the Biafran Commissioner for Health, Mr. James Udo-Affia said, "At Niamey, we talked of relief, but the federal side made relief hinge on a political settlement. So at Addis, we will begin with the political relationship of Nigeria and Biafra. If we succeed there, we will succeed with a cease-fire and with food."[69]

The final communique on the Niamey talks was issued on July 26, 1968. The communique stated among other things that "during their deliberations

the two parties have adopted the following agenda for the Addis Ababa peace negotiations under the auspices of the OAU consultative Committee:

(a) Arrangements for a permanent settlement.

(b) Terms for the cessation of hostilities.

(c) Concrete proposals for the transport of relief supplies in food and medicine to the civilian victims of the war."[70]

The Niamey talks were a significant watershed in the diplomatic maneuverability of the Consultative Committee. For the first time, prominence was given to relief issues on the agenda of the Consultative Committee. The two parties have expressed their strong desire "...to hold additional consultations aimed at taking immediate action which would lead to agreement in Addis Ababa on practical steps on the humanitarian issue whose importance and seriousness have been acknowledged by everyone."[71]

Although the original mandate of the Consultative Committee was not to mediate, however, its departure was both on humanitarian grounds and the realization that nothing could be achieved by excluding Biafra from the mainstream of the peace processes. Ojukwu himself who had earlier on criticized the OAU for "...attempting to solve an African problem in an un-African manner"[72] because of its failure to recognize two parties to the conflict, his invitation to the Niamey talks seemed to have diminished his apprehension of the OAU committee's non-chalant attitude towards the Biafran participation in the peace talks. Addressing a press conference at Owerri after his return from the Niamey talks, Ojukwu said, "provided the spirit of sincerity and honesty which was so very evident in Niamey continues, provided Africa is left on its own to grapple with the problems posed by our difficulties, I think there is hope." And he concluded, "...my presence at Niamey represents the OAU's acceptance that there are two sides to the conflict."[73]

The Biafran participation in the talks was not an attempt to recognize the Biafran secession but as a sine qua non to reconcile the tendentious emotionalism of the Biafrans in the context of 'one Nigeria.' The flexibility of the Consultative Committee in the bargaining processes was commendable in much the same way as the Federal Government of Nigeria without which the direct participation of Biafra in the talks would have been impossible. By bringing the two sides of the conflict together successfully for talks on the issues of the conflict, the Consultative Committee not only enhanced its position as a mediator, but could also be given tremendous credit for its mediatory overtures.

C. THE ADDIS ABABA PEACE TALKS AUGUST-SEPTEMBER 1968

As a consequence of the Niamey peace talks, the two parties in the conflict began their deliberations on August 5, 1968 under the chairmanship of Emperor Haile Selassie. The agenda for the Addis Ababa peace talks had been prepared in the previous Niamey talks which included arrangements for a permanent solution to the conflict, terms to end the hostilities on acceptable basis to both parties, and proposals for relief transportation to the war affected areas. The Nigerian delegation was led by the Federal Commissioner for Information Chief Enahoro while Ojukwu led the Biafran delegation.

In his address to the opening session of the talks, Emperor Selassie said, "You cannot afford to fail in this task. You must succeed. There is no alternative."[74] The events to follow illustrated the degree of receptivity of the Emperor's moral suasion by both sides of the conflict. Chief Enahoro's response to the Emperor's address was essentially keyed to the reintegration of the Ibos to Nigeria whilst Ojukwu's address was a mixture of the political history of the conflict with some attacks on Nigeria.

In his speech that lasted two and a half hours, Ojukwu charged Gowon of "aspiring to be the Hitler of Africa." He also drew attention to some of the horrors of the war when he said, "for more than twelve months Nigeria has sought unsuccessfully to destroy that republic and its people... The war has claimed over 100,000 Biafran civilian lives..." And concluded, "against all the background of suspicion, hate, conflict and war, our survival cannot be separated from the sovereign independence of our state."[75]

Despite Ojukwu's charges against Nigeria, there was no threat to boycott the talks as a result of his speech which Chief Enahoro regarded as a 'tirade' and "a gross violation of protocol" which was in 'bad taste.'[76]

On August 7, a nine-point peace proposal was outlined by Chief Enahoro as follows:

1. A joint declaration in which both sides would agree to maintain the unity and territorial integrity of the Federal Republic of Nigeria" with external boundaries as established at October 1, 1963," and to ensure forever the security of all its inhabitants.

2. Disarmament of Biafran forces.

3. A meeting between the federal and Biafran military leaders.

4. The maintenance of order in Biafran territory to be entrusted to a mainly Ibo police force.

5. A federal pledge not to flood Biafra with troops, and to use them only in the event of a breakdown of law and order.

6. The stationing in Biafran territory of an international force drawn from sources acceptable to both sides.

7. The establishment in the East Central State of a Military Government assisted by a mainly civilian Executive Council composed equally of Ibos loyal to the federal government and those supporting the secessionists.

8. The negotiation of a general amnesty, the re-absorption into public employment of Ibos who had left posts in other parts of Nigeria, and the re-habitation of other displaced persons in areas of their choice.

9. The holding of a constitutional conference to decide the degree of association between the various peoples and tribes of Nigeria.[77]

On August 9, Professor Eni Njoku, who led the Biafran delegation after the departure of Ojukwu, presented the Biafran seven-point plan for a permanent settlement of the conflict:

1. Acceptance of Biafra as a sovereign and independent state.

2. Maximum economic cooperation and the sharing of common services between Biafra and the rest of Nigeria.

3. The division of Biafran and Nigerian assets and liabilities to be negotiated after the separation of the two countries.

4. An immediate ceasefire and removal of the economic blockade, and the withdrawal of troops behind pre-war boundaries to enable refugees to return home.

5. The ceasefire to be supervised by an external force drawn from African countries pending the establishment of more permanent arrangements.

6. The holding of a plebiscite in disputed areas both within and outside Biafra.

7. Immediate agreement on the transport of relief supplies to areas occupied by both sides.[78]

The two proposals shared similarities with those presented by both sides at the Kampala (Uganda) peace talks.[79] However, they differed in some respect specifically, an attitude of flexibility was shown at the Addis Ababa peace talks which made it possible to start the talks without any pre-condition for example, the renunciation of secession by Biafra.

After the presentation of the two proposals, Emperor Selassie 'shuttled' bettwen the two parties presumably to find a common ground for their differences. With the two sides maintaining a hard-line position, it soon became clear that the gap between them could not be bridged. Realizing the futility of the situation, Emperor Selassie shifted his efforts to relief issues. However, with the departure of the Nigerian chief delegate to the talks on August 13, "the Addis Ababa peace talks were ready to justify the gloom of their original Jeremiahs."[80]

Negotiations on relief issues could not produce any tangible result, however, both sides agreed 'in principle' to a compromise proposal put forward by Emperor Selassie for air and hand mercy corridors to reach the civilian population affected by the war.

Meanwhile, negotiations continued and on August 25, Gowon announced the 'final push' into the rebel held areas, thus putting new pressure on

the Addis Ababa talks. This 'push' resulted in the fall of Aba on September 4 into federal hands. However, ironically, with the "ever-dwindling and ever-shifting enclave"[81] of the rebels, there was no sign of capitulation as a result of these developments.

Even though the Addis Ababa talks was held under the auspices of the OAU Consultative Committee, surprisingly, out of its six members, only Emperor Haile Selassie was in attendance. Other members have demonstrated no eagerness to join the talks despite the Emperor's invitation to them.

With the failure of the Addis Ababa talks to resolve the deadlock on the substantive issues for a political settlement of the conflict, it adjourned sine die on September 9, after a long period of negotiations that lasted for five weeks.

D. THE ALGIERS SUMMIT SEPTEMBER 1968

The Assembly of African Heads of State and Government met once again in Algiers (Algeria) from September 13-16, 1968, for their fifth ordinary session. It should be borne in mind, that the Algiers summit was the first meeting of the Assembly since it met a year earlier in Kinshasa (Congo). Naturally, one would expect this summit to serve as another diplomatic forum for the Nigeria-Biafra debates.

Only President Kaunda of Zambia was present among the four African countries that recognized Biafra.[82]

At the meetings of the Council of Ministers that preceded the Assembly's conference, the Council objected to a Tunisian proposal to discuss a resolution on Biafra... The proposed resolution was supported by the four African countries which had accorded diplomatic recognition to Biafra (Tanzania, Gabon, Ivory Coast and Zambia) and Gambia and Morocco.

On September 15, after a review of the report presented by the chairman of the Consultative Committee Emperor Selassie, and the draft resolution on Nigeria, the Assembly adopted the resolution by 33 votes to four (presumably the four African countries that recognized Biafra) and two abstentions: Botswana and Rwanda. The Resolution on Nigeria "appeals to the secessionist leaders to cooperate with the federal authorities in order to restore peace and unity in Nigeria;" "Appeals for cessation of hostilities;" "Recommends that the above being accomplished, the Federal Military Government of Nigeria declare a general amnesty (and) cooperate with the Organization of African

Unity in ensuring the physical security of all the people of Nigeria alike, until mutual confidence is restored;" "Appeals again to all parties to cooperate in ensuring speedy delivery of humanitarian relief supplies to the needy;" "Calls upon all member states of the United Nations and the OAU to refrain from any action detrimental to the peace, unity and territorial integrity of Nigeria;" "Invites the Consultative Committee, in which it reiterates its confidence, to continue its efforts with a view to putting into effect the Kinshasa and Algiers resolutions."[83]

The Algiers Summit can be interpreted not only as a diplomatic victory for Nigeria, but as a defeat to the psychological expectation to both the Biafrans and their supporters for the failure of the OAU to give hearing to the Biafran cause. The reaction of the Tanzanian Vice-President, Mr. Rashidi Kawawa, clearly vindicated the frustration of those inclined to make a diplomatic gain for Biafra when he assailed the Algiers Summit as "one clear example in history where eminent leaders decided to evade the real issue by playing the ostrich game."[84]

Other factors can be adduced to buttress the diplomatic triumph of the Federal Government of Nigeria at Algiers. First, the attitude of the host country cannot be ignored. In his opening address to the Summit, the host President Boumedienne, incisively denounced the "plots from all sides directed against Nigeria aiming to disintegrate and shake to its foundations, the great African state the unity and cohesion of which we are all proud."[85] This vitriolic denunciation must have caused a furor between the host president and President Kaunda of Zambia who had refused to serve as the Vice-President to the conference because he abhorred being "lumped with "imperialists"[86] on the Nigeria/Biafra conflict.

The address of the UN Secretary-General Uthant to the Summit on September 13, 1968 was vital. In his address, Uthant not only recognized "the tragic fratricidal strife in Nigeria" but also declared his belief "that the OAU should be the most appropriate instrument for the promotion of peace in Nigeria." And he finally urged the African leaders to bring "about the cessation of hostilities and the negotiation of arrangements for a permanent settlement," adding, "the Nigerian conflict has created difficulties in relations between African states, and its continuance is bound to affect badly needed cooperation and unity among African countries."[87]

The African leaders were not indifferent to the humanist consideration of those supporting Biafra, but influenced by such consideration of what would have amounted to a precedent that is, endorsing the Biafran secession would have meant, creating a political tinderbox in Africa the consequences of which could not be predicted. And for this reason, the OAU continued its relentless support to the Nigerian government. This solid supports must have helped to ward off any further recognition of Biafra in Africa. The OAU's strong position has continued to stymie the "revisionist" arguments of some OAU member states by its "...propensity to come down on the side of the status quo and to give a somewhat discouraging hearing to states which argue that it should be changed."[88] Thus, the Algiers Summit ended with a striking keynote in African diplomacy, a preference for maintaining the status quo of the OAU member states.

E. THE MONROVIA PEACE TALKS APRIL 1969

Before the Monrovia talks began, members of the organization Commune Africaine et Malgache (OCAM) had met between January 27 to 29 presumably to discuss the conflict in Nigeria. Before the end of their talks in Kinshasa, the fourteen members of OCAM had institutionalized their own peace initiative by appointing Presidents Hamani Diori of Niger and Mobutu of Congo[89] to the OCAM special peace mission to Lagos. While the initiative was hailed in Biafra, in Nigeria, it got a cool reception. While not rejecting the initiative completely, the Federal Government of Nigeria, however, informed the two presidents of its preference for the OAU peace initiative. With these developments, the OCAM peace initiative suffered a 'diplomatic stroke' and died prematurely.

On April 8, members of the OAU Consultative Committee met at the Temple of Justice in Monrovia (Liberia). Those present included the host president, Tubman, his Imperial Majesty Haile Selassie, with Presidents Ahidjo, Diori, Mobutu and J. W. K. Harley representing Ghana's Head of State.[90] Neither Gowon nor Ojukwu was present at the talks, however, they were both represented. The Nigerian delegation was led by the Federal Commissioner for Works, Mr. Femi Okunnu, while Sir Louis Mbanefo led the Biafran delegation.

After the formal opening of the talks by the host President Tubman, and Emperor Haile Selassie as chairman, the committee went into private session to hear proposals to end the hostilities from delegations from both sides.

Apart from insisting on the renunciation of secession as a precondition to any preaceful solution to the Nigeria/Biafra conflict, the Nigerian delegates also gave a reassurance of equal treatment to all the ethnic groups in Nigeria including the Ibos. In a nutshell, the Nigerian proposals were identical to those presented at the Addis Ababa talks nine months previous. Although, radio Biafra announced on April 19 that the Biafran delegates had been mandated to present proposals to end the conflict, their proposals were also a restatement of the previous demands, specifically, the insistence on ceasefire as a prelude to bilateral negotiations between the two sides.

After three days of intensive talks, the committee ended its meeting in failure to reconcile the differences of the two sides. The communique issued at the end of the talks urged the "two parties to the civil war accept, in the supreme interest of Africa, a united Nigeria which ensures all forms of security and guarantee of equality of rights and privileges to all its citizens." The communique also proposed "an immediate cessation of the fighting and the opening without delay of peace negotiations." The committee "offers its good offices in order to facilitate these negotiation." The committee also "noted with satisfaction that the Federal Government of Nigeria accepted the proposals" but "regrets that the representative of Colonel Ojukwu did not accept the proposals." The committee then "appeals to the leader of the secession and all their supporters to accept and implement the declaration so that reconciliation, peace, and unity may be restored in Nigeria."[91] It was later reported that the acceptance of this declaration could have been possible, at least, in principle according to the Biafran delegation if the words "a solution" had been used instead of the "United Nigeria" in the first paragraph of the declaration.[92]

The Monrovia talks ended without succeeding in breaking the deadlocks between the two sides of the conflict. However, the failure of the talks was attributed to the Biafran rejection of the committee's peace proposals. The OAU Secretary-General, Diallo Telli who was also present at the Monrovia talks alluded to the failure of the talks to Biafra when he said: "For the first time, we made it a point to put responsibilities where they lay" and justifying the committee's statement as "the minimum conditions" for any meaningful peace arrangement to the two sides of the conflict.[93] The uncompromising position of Biafra was defended by the leader of the Biafran delegation to the talks, Sir Louis Mbanefo, when he said: "We have lost a million lives in one form or the other of our struggle to achieve security, and we cannot be expected to abandon all that without knowing what we are getting."[94] With the Monrovia talks, ended the direct participation of the OAU Consultative Committee in the process of mediation.

F. THE ADDIS ABABA SUMMIT OF THE OAU SEPTEMBER 1969

Since the collapse of the Monrovia peace talks, the last initiative to settle the Nigeria/Biafra conflict by the OAU, came during the Sixth Ordinary Session of the Assembly of Heads of State and Government held in Addis Ababa from the 6th to 10th September, 1969.

Gowon, who was present at this OAU Summit for the first time since the war began, reiterated Nigeria's position to continue the military operation against Biafra "unless the secessionist leadership gives the OAU the opportunity to settle the Nigerian War by peaceful negotiations on the basis of the Kinshasa and Algiers mandates, the federal government will have no option but to carry on the military operations to their logical conclusions, no matter how long it takes." Gowon also told the Assembly of the policy of the federal government "to allow genuine relief supplies to the innocent civilians in the secessionist enclave" despite the duplicity of some humanitarian organizations which had been aiding and abetting the Biafran rebelliousness.[95]

Towards the close session of the summit, the Assembly adopted a resolution on Nigeria and approved by 36 of the 41 member states of the OAU with Tanzania, Gabon, Ivory Coast and Zambia, the Biafran recognizers and Sierra-Leone abstaining. The resolution expressed concern "at the continuance of the civil war in Nigeria and of the grave consequences resulting therefrom for Nigeria and for Africa." While it praised the Consultative Committee for the efforts it had exerted, the Summit also expressed "its full confidence

in the committee's ability to carry out the important mission entrusted to it, within the shortest possible time." The resolution appealed "to the two parties involved in the civil war to agree to preserve in the over-riding interest of Africa, the unity of Nigeria and accent immediately suspension of hostilities and the opening without delay, of negotiations intended to preserve 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." The Consultative Committee was also urged "to offer its good offices to facilitate these negotiations." An appeal was also made to various international organizations, governments and private institutions to refrain from acts likely to be prejudical to the efforts of the OAU in the conflict.[96]

The Nigerian reaction to the resolution came on September 10, in a newstalk broadcast on radio Nigeria. The resolution, according to the broadcast, had "demonstrated the organization's impartiality and ability to recognize and pursue what was good for Africa."[97] The Biafran reaction was a sharp constrast when they dismissed the resolution as "unrealistic, unjust and partisan"[98] in a statement issued at Owerri, Biafra's temporary capital.

Although, African leaders had insisted on a peaceful settlement of the Nigeria/Biafran conflict and in 'accordance with the basic principles of OAU charter,' yet, the OAU performance in the war, revealed its inadequacies not on the ground of inconsistency but of its powerlessness to enforce its own resolutions. Biafra collapsed not under the pressure of the OAU resolutions, but under the heavy artillery bombardment of the federal troops when it eventually surrendered on the 15th of January, 1970.

The OAU was recognized as the most appropriate authority to settle the Nigerian war not just because of regional geopolitics alone, but because, under Article 52 (i) of the UN charter, the OAU has the right to settle such an ongoing conflict. By its constitutional design, the OAU has no such authority to intervene in an internal affair of member states. However, Article 52 (i) remains the sinew of its authority to take whatever appropriate steps necessary to resolve conflicts within its geographic milieu. Whether the action taken by the OAU in the Nigeria/Biafra war can be construed as the most appropriate step will depend by and large on whether its goals in the conflict were achieved. The default of the OAU to settle this conflict through its own machinery (since it was one of its priorities), raises a question of uncertainty about the viability of regional organizations as an alternative instrument of regional conflict management.

According to Young, "the regional organizations which are more acceptable as interveners (e.g. the Organization of American States and the Organization of African Unity) have very little in the way of personnel and physical resources at their disposal and can only serve, for the most part, as a forum for the accumulation and articulation of constituent interests." This, he contends, contributes to the "relative impotence" of these organizations.[99] Claude also drew similar conclusions when he wrote: "So far as the ideal of relieving the regional organization of the burden of settling intraregional disputes is concerned, the record thus far gives very limited support to the notion of the usefulness of regional agencies."[100] Both the OAU and OAS can claim exception to these generalizations. While the OAU had some success in settling interstate conflicts for example, the Morocco/Algeria

border conflict, it lacks the resources of its OAS counterpart. Apart from the constraints on noninterference in the internal affair of member states under Article 15 of the charter, the Organization of American States (OAS) can mobilize sufficient resources towards the settlement of its hemispheric conflicts.[101] The following chapter further examines the 'effectiveness' of the OAU in settling the Nigeria/Biafra conflict.

CHAPTER 3

CONCLUSIONS

The Nigeria-Biafra War formally ended in January 15, 1970, when an instrument of surrender was presented to the Nigerian Head of State, Major General Gowon by the Biafran Chief of Staff, Lieutenant Colonel Philip Efiong. Before any attempt is made to assess the 'effectiveness' of the OAU in handling the Nigeria/Biafra conflict, it is worthwhile to restate its goals in the conflict since they will be relevant to a discussion of the factors underlying the outcome of the conflict. The first goal of the OAU was to preempt recognition of secessionism in a member state, Nigeria. Second was a desire to settle the conflict peacefully through the machinery of the OAU. And the third goal, included an urgent consideration for relief supplies to the victims of the war.

The OAU rigidity on nonrecognition of the Biafran secession can be seen generally as an achievement for the OAU and Nigeria. Although, four African countries had recognized Biafra, the OAU succeeded fairly well in containing the internationalization of the conflict. As Stremlau has pointed out in his book: The International Politics of the Nigerian Civil War 1967-1970: "Pan-African alliance had weathered the challenge posed by the four recognitions, and there now appeared to be little prospect of further defections. The wall of diplomatic support raised by the OAU would remain the centerpiece in Nigeria's strategy to contain the process of internationalization."[102]

From the inception of the Nigeria/Biafra conflict, the OAU recognized the conflict as an internal affair of Nigeria and at the same time, appealed

to international institutions including members of the OAU in one of its resolutions on Nigeria "...to desist from any action, gesture and attitude likely to jeopardize the efforts of OAU in finding an African solution to the Nigerian crisis."[103] A statement made by Mr. Medici, an Italian delegate at the UN General Assembly clearly attested to the positive reaction of an outsider to the OAU's position on the Nigerian conflict when he said:

> The Italian delegation clearly realizes the internal nature of that conflict which has been emphasized in the resolution adopted at the summit meeting of the OAU. We are fully aware that it is the primary responsibility of the African countries to work out lasting solutions to their problems... keeping in mind the deep anxiety with which this problem is followed in all countries and particularly in Italy... our organization must throw all its weight behind the OAU for a peaceful solution."[104]

The OAU insistence on nonrecognition of Biafra was equivalent to a zero-sum game situation in which the diplomatic gains of one party to the conflict was proportionate to the losses of another. With its anti-secessionist, anti-interventionist and preservationist policies, "the OAU virtually sealed the political fate of 'Biafra.'"[105] Moreover, the 'try OAU first' principle had enhanced the moral authority of the OAU in dealing with the Nigerian Civil War. For example, the UN Secretary-General Uthant referred to the OAU as the most appropriate instrument to bring peace to Nigeria.

The OAU's behavior throughout the Nigeria/Biafra War, clearly indicated what William Zartman has characterized as "Rule One (of African diplomacy) (was) that intrasystem solutions are to be preferred over extrasystem solutions to African problems wherever possible."[106] Besides the Commonwealth Secretariat and the British involvements in the settlement process, the OAU can claim credit that the Nigeria/Biafra War did not come before any other

non-African government or international organization for settlement.

For the purpose of analysis, "a dispute (is) 'peacefully solved' when an agreement has been reached between the parties such that they regard the matter as closed, at least for the sort of future which lies within the scope of practical politics."[107] The OAU did not accomplish much either in peacefully resolving the conflict or in creating a modus vivendi between the belligerents. The following factors can be said to have contributed to the ineffectiveness of the OAU in resolving the Nigeria/Biafra conflict: the situational factors from the conflict environment; the OAU principles, mandate and the role of the incumbent Secretary-General of the OAU and the extra-African involvement.

The Situational Factors From the Conflict Environment

The attitudinal responses of the belligerents either to one another or to the peace initiatives, and the nature of the conflict involved are crucial to the outcome of any OAU peace proposals. The Nigeria/Biafra conflict by implication, was a domestic responsibility of Nigeria and which, under Article 3 (ii) of the OAU charter, should have been left completely to Nigeria's discretion. What constitutes an "interference" in an internal affair of a member state should be well defined so as to provide a guideline either to the OAU or the individual member states in such matters within the domestic jurisdiction of a member state. An "effective pan-African resolution of African conflicts," wrote Singleton, "requires a more satisfactory definition for the internal legitimacy of African regimes, beyond the defacto exercise of power."[108]

The failure of the OAU to define its own role within the jurisdictional environment of a member state particularly in a crisis situation will continue to vitiate its "involvement" specifically where it is compelled to involve itself as in the case of Nigeria. As clearly indicated by Claude, "sensitivity to the diminution of or to infringement upon domestic jurisdiction is quite simply a manifestation of attachment to the values enshrined in the concept of sovereignty. As international organizations grow in functional competence and jurisdictional ambition, this sensitivity is likely to be asserted with corresponding frequency."[109]

The Nigeria government had made it known repeatedly that the conflict, by its nature, was her sole responsibility and urged the OAU not to interfere. For all practical purposes, the OAU can hardly be expected to play a modest role in such a crisis situation without first defining precisely its role in an internal affair of a member state. According to Huntington, "an effective organization requires, at a minimum, substantial consensus on the functional boundaries of the group and on the procedures for resolving disputes on issues which come up within these boundaries."[110]

The OAU has not only suffered an institutional incapacity in handling intrastate conflicts such as civil strife, but also lacked the necessary consensus even where there is an established procedure for settling interstate conflicts because:

> The newly independent African states have developed an extra-sensitiveness when it comes to questions of their sovereign rights. Being proud of their independence, ...few African states, if any, are willing to submit disputes on matters which they consider vital to them for judicial settlement, unless they are absolutely sure of their legal position. They hold the view that, since vital interests are at stake, the problem cannot be reduced to a simple matter of legal interpretation.[111]

Apparently, the OAU as a regional organization is able to utilize its "ideal resources"[112] more effectively in interstate conflicts rather than

those involving internal crises. The application of 'ideal resources' is likely to be impaired in an internal conflict situation particulary where the identity of one of the parties to the conflict is the constituted authority and the other, an integral unit of the constituted authority fighting for its separation. Any attempt to treat the two parties on an equal basis is likely to be counterproductive to the quantity of ideal resources. For example, the Nigeria government had maintained that General Gowon would not take part in any peace negotiations with the rebel leader, Colonel Ojukwu on equal basis.

Reacting to the Emperor's invitation to attend the Addis Ababa peace talks when the presence of the rebel leader to the talks was certain, Gowon said in an exclusive interview with the editor of West Africa: "I cannot enter discussions on equal terms with a man who even before he became a rebel was only one of my military governors."[113] Usually, when an organization tends to be more preferentially disposed to the party that represents the state, partly because of its membership in this organization, the degree of its acceptibility to the insurrgent as a catalyst for settlement of the conflict, is likely to erode or even be viewed with skepticism. The Biafrans too were reluctant to negotiate for peace under the aegis of the OAU resolution which had failed to recognize them as a party to the conflict initially and which had insisted on a particular pattern of settlement offensive to Biafra's sovereignty -- reunification with Nigeria.

Oran Young has said; "in most situations the existence of a meaningful role for a third party will depend on the party's being perceived as an impartial participant (in the sense of having nothing to gain from aiding either protagonist and in the sense of being able to control any feelings of favoritism) in the eyes of the principal protagonists."[114] The OAU cannot

be perceived as an impartial intervenor under the circumstances in which it has found itself during the Nigeria/Biafra conflict. With its vested interest in preserving Nigeria's unity and territorial integrity, the OAU pursued these objectives religiously without much consideration on the subjective condition of the conflict. With its commitments to Nigeria, the OAU had lost "...its status as a true third party and (became) more and more assimilated to one or the other of the antagonists for all practical purposes."[115] This development must have prompted the chastisement of the OAU by the rebel leader when he said, "the organization of African Unity, by its inability to find a solution to the Biafran problem, has demonstrated its impotence in resolving African conflicts... The OAU was expected to give an African solution, yet, in a sense, the OAU is not African. The OAU has African skin, but this is only a mask of neocolonialism."[116]

Roger Fisher has said that:

> In almost every conflict each side is thinking not only of how much it would lose immediately if it yielded a point, but of how much it would lose by way of precedent. Similarly, a country may press a position, not for the immediate consequences, but with the hope of establishing a precedent for the future.[117]

Nigeria's decision to fight the Biafran rebellion cannot be viewed parochially as one isolated case of 'Biafraphobia' particularly its secession, but there was a deeper feeling involved not to create a precedent for a successful secessionist rebellion. Moreover, Ojukwu's rebellion had been viewed generally as a reincarnation of Tshombe's rebellion that failed in Congo. Addressing the members of the Consultative Committee in Lagos, the Nigerian Head of State, Major-General Gowon said, "it was the Congo and Tshombe yesterday, it is Nigeria and Ojukwu today, who knows which African country it will be next."[118] Thus, as pointed out by Kaye Whiteman, "the trump card

of Nigerian diplomacy has been the reactionary associations of secession in Africa. No matter how much evidence can be produced of the genuine popular backing for secession in Biafra, Colonel Ojukwu and his colleagues cannot escape the Tshombe shadow."[119] With a high degree of susceptibility to the dysfunctional implications of secessionist rebellion in Africa, and consciously determined not to create a precedent for secessionism, the Federal Government of Nigeria, committed itself to its own war-time slogan: 'to keep Nigeria one is a task that must be done.'

Also, balancing the 'opportunity costs' of their secession,[120] and the experiential knowledge of the past, the Biafrans were determined to fight the war to a bitter end. "As a people, we cannot capitulate," Ojukwu said, "If Nigeria wants victory, she must win it on the battlefield."[121] With the two sides unable to compromise their positions partly due to the support they received from outside, and because, while Nigeria wanted to avert creating any future precedent, Biafra was fully determined to create one through her "territorial" pretensions. The OAU was unable to resolve these dilemmas despite its commitments to Nigeria. It can be hypothesized, that a successful settlement of a conflict will depend by and large, on the readiness of parties to a conflict to negotiate for settlement in the spirit of give and take. The negativism of the two parties to a conflict can be detrimental to the mediatory endeavor of a third party mediator particularly when "neither side was prepared to moderate its mutually irreconciliable demands and (when) each -- as events proved -- was prepared to fight it out to the bitter end."[122] Since the OAU had assigned itself the role of a mediator, it became difficult to impose any form of settlement without the expressed willingness of the parties to accept its terms of mediation.

A. THE OAU PRINCIPLES, MANDATE AND THE ROLE OF THE INCUMBENT SECRETARY-GENERAL OF THE OAU

The mediatory position of the OAU seems to have been weakened by certain legal principles operative under the OAU charter for example, the principles of "noninterference in the internal affairs of states" (Article 3ii); "respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence" (Article 3iii) and third, is the version of the OAU's international principle which recognizes the "inalienable right of all people to control their own destiny."

I have argued some of the implications of these principles in Chapter One of this thesis. However, it can be pointed out here, that while Nigeria had made use of the argument of the principle of noninterference, the Biafrans were not less vociferous on the principle of self-determination. "While these points were debated," wrote Akuchu, "the Organization (OAU) watched the conflict from the sidelines throughout its first phase, a stage at which it might have been much easier for the Organization to help reconcile the conflicting views before the disputants traded damaging insults, staked their prestige and entrenched their positions."[123]

The OAU failed to mediate at the time when it could have been easier to defuse the potentiality of the conflict before escalation. Fighting actually started between Nigeria and Biafra on July 6, 1967 and the OAU began its involvements almost three months thereafter. Moreover, after the Kinshasa Resolution on Nigeria in September 1967, it took almost three months

for the OAU consultative mission to arrive in Lagos after several postponements. Neither was an extraordinary session of the OAU called to demonstrate the urgency which the conflict demanded nor was the Council of Ministers utilized in the whole process of settlement. The tactical approach of the OAU to the settlement of the conflict was defective not only because of the lack of urgency attached to it, but also because, the resolution on Nigeria was an endorsement of the OAU's support for Nigeria without any settlement plan proposed. While the conflict had lasted for so long, the prospect of settlement dwindled as pointed out by Claude, "...the longer a dispute is permitted to drag on in public, the more rigid and unyielding the positions of the parties become, so that the prospects of reasonable compromise progressively diminish; in short, passions move toward the boiling point while positions move toward the freezing point."[124]

The kind of mandate given to the OAU Consultative Committee was a manifestation of the OAU's concern for its own charter. The OAU mandate was embodied in the resolution on Nigeria passed at its Fourth Ordinary Session held in Kinshasa from September 11-14, 1967. The resolution reaffirmed among other things, the OAU adherence to the principle of respect for the sovereignty and territorial integrity of individual member states. Moreover, while the OAU recognized the internal nature of the conflict, it condemned secession. The only operative paragraph of the resolution was the expression of possibilities to place the services of the Assembly at the disposal of the Nigerian government. And thus, appointed a six member committee with a mandate to assure the Federal Government of the Assembly's support for its territorial integrity, peace and unity. The OAU resolution cannot be presumed as a mandate for a conflict resolution of any kind however, by creating an

atmosphere for discussions to both sides of the conflict, the OAU Consultative Committee intended to achieve some level of success according to President Hamani Diori of Niger "So that our mission, which is not that of mediation, may achieve the success that a mediator should achieve."[125] Secondly, the OAU resolution condemned secession and thus, refused to recognize the principle of two parties to the conflict. Throughout the whole gamut of the OAU involvement in the Nigeria/Biafra conflict, at least up to a point when the 'diplomatic door' was opened for Biafra's participation in the peace talks in Niamey, the OAU did not recognize Biafra as a party to the conflict. Thus, the organization had little elbow-room for diplomatic maneuvering in the conflict. "The opportunities for the OAU to play an active role in facilitating a negotiated settlement appeared to be negligible," wrote Stremlau, "the organization's well-known and decidely pro-federal stand obviously precluded any attempt at bona fide mediation."[126]

Apart from the pro-Nigeria stand in its Kinshasa resolution, the OAU members seemed to be saying that Nigeria was "right" and referred indirectly to the Biafran secession as "wrong" and condemned it. As pointed out by Claude, "...the authoritative statement of legal rights and wrongs may even impede settlement, by encouraging self-assertive rigidity on one side and self-defensive rigidity on the other; the combination of an emboldened and a beleaguered party is not conducive to the political compromise that is required for the solution of critical problems."[127] While the territorial integrity of Nigeria was endorsed and widely orchestrated by a large proportion of the OAU members, Biafra's reliance on the OAU peace initiatives became marginal and its bellicosity also heightened on the other hand to the detriment of the OAU peace efforts.

The OAU handling of the Nigeria/Biafra War also revealed the limits of its capacity in terms of resource availability to settle the war. As indicated by George Modelski, "the failure of diplomatic action did show, however, that mediation pure and simple is not enough if it remains unsupported by other international action..."[128] While its diplomatic actions had encouraged negotiations, resolutions and persuasions, the OAU had failed to 'satisfice' between other options necessary to end the hostilities e.g. assigning to itself, the role of peacekeeping or to insist on nonrecognition of Biafra. Although, the OAU has no peacekeeping role assigned to it originally in its charter, however, since Nigerians had accepted the Biafran participation in the peace talks, and considering too, the OAU insistence on maintaining the territorial integrity of Nigeria and finally, realizing the consequences of the continuation of the war, a peacekeeping alternative should have been considered.

Technically, a mediator has a responsibility of providing conditions conducive to the peaceful settlement of a conflict and since both sides were prepared to avoid responsibility for the failure of the OAU peace initiatives, the situation could have been exploited. However, a peacekeeping overture of the OAU can occur only with the approval of both sides particularly the Federal Government of Nigeria. But since no such plan was proposed, the question of whether Nigeria would have accepted or rejected the plan, remain a matter of conjecture. Moreover, the nonrecognition of Biafra would not necessarily outlaw it but such action would have denied Biafra any formal access to international communities and more importantly, limited the extent of its outside support. According to John de St. Jorre, "the recognitions swung the war off its rather limited parish-pump level into the international sphere and paved the way for non-African involvement

which the previous lack of public support for Biafra had not wholly excluded but certainly drastically 'inhibited.'"[129] For example, France had wanted a substantial recognition of Biafra to come from Africa before any diplomatic recognition. But since Biafra's African recognition did not happen on a large scale, Paris diplomatic recognition of Biafra never took place. The nonrecognition of Biafra would have weakened its position internationally, deprived it of necessary support and thus, making the Biafrans amendable to peace settlement. All these plans, if they were practicable, could have put the OAU in a vantage position of bargaining for settlement and to limit the extent of human sufferings. But in an asymmetrical situation of military capability, where fighting and talking were going on simultaneously, military victory was likely to be more decisive as in the case of the Nigeria/Biafra War than any attempt towards a negotiated settlement. Since the Biafrans were outnumbered and outgunned, the events at the battlefield were fundamental to the outcome of the war than the events at the conference table.

It has been alleged that the role of the OAU Secretary-General, Mr. Diallo Telli, was a real stumbling block to the process of peaceful settlement of the Nigerian Civil War.[130] According to Ojukwu too, "the real obstacle to a realistic approach to the problem has remained Mr. Diallo Telli, the Secretary-General of the OAU. His destructive and unhelpful influence has been evident on all occasions where the OAU has tried to tackle the problem of the current war. So absolutely and prejudicially committed to the Nigerian cause is Diallo Telli that he, sometimes, seems more pro-Nigeria than the Nigerians themselves."[131]

It is not just enough to admit these indictments without proven evidence of misconduct of the Secretary-General in the Nigeria/Biafra conflict

situation vis-a-vis the commitment of the OAU itself. Since the Secretary-General is not supposed to pursue any personal policy, his diplomatic activities must always be consistent with that of the OAU membership. The OAU firmly supported Nigeria in preserving its territorial integrity and condemned secession. The role of the OAU Consultative Committee was also indicative of the direction of the OAU in the conflict when Emperor Haile Selassie declared in Lagos that "the Organization of African Unity is both in word and deed committed to the principle of unity and territorial integrity of its member states... It must be fully respected and preserved."[132] Mr. Diallo Telli, the OAU Secretary-General unmistakably reinforced this commitment to Nigeria when he said on August 28, 1968, that "the OAU wants to see the unity and territorial integrity of Nigeria preserved with a general reconciliation under a just and durable peace so that Nigeria can continue her important role in the OAU, in Nigeria and the world."[133] It is evident that the Secretary-General sided with Nigeria in preserving her unity and thus conforming with the avowed commitment of the OAU in ensuring Nigeria's unity.

At the end of the Monrovia talks, which ended in stalemate, the Biafran delegation to the talks complained that the OAU and Mr. Diallo Telli were supporters of 'one Nigeria' policy.[134] The Secretary-General, however, denied allegation of usurping the function of chairman of the OAU Consultative Committee at the Monrovia talks and for deliberately downplaying any further talks that could probably lead to a compromise proposal.[135]

As created under the charter, the OAU Secretary-General is expected to be politically neutral in the discharge of his administrative duties. Although, Mr. Diallo Telli, the OAU Secretary-General, supported the course

of "one Nigeria" and which the OAU itself did, he was neither reprimanded for taking sides nor accused of obstructing the process of settlement by any member of the Consultative Committee. However, committed inescapably to the course of preserving the territorial integrity of Nigeria, the influence of the Secretary-General, Mr. Diallo Telli, may have tended not to facilitate the process of settlement in the Nigeria/Biafra War, but the extent of this is problematic.

B. EXTRA AFRICAN INVOLVEMENT

The involvement of extra African powers in the Nigeria/Biafra conflict had a negative effect on the mediatory efforts of the OAU Consultative Committee and on the prospect for ending the conflict expeditiously. The OAU's inability to insulate the conflict from a non-African involvements was symptomatic of the weakness of an organization that can only bark but not bite.

Despite the OAU appeals to all governments including international organizations and humanitarian bodies to refrain from any action likely to be inimical to an 'African solution' to the conflict, regrettably, none of these bodies felt themselves obligated to obey as the situation had shown. Speaking of external involvements in the conflict, a Danish delegate at the United Nations said: "In our view an arms embargo might have assisted those (African) efforts, and we find it regrettable that outside countries have not refrained from delivering weapons."[136]

One of the weaknesses of the OAU was also revealed by failing to contain the constellation of non-African interests in the conflict. While Britain and the Soviet Union remained the conduit of arms supplies to Nigeria, Portugal, South Africa and importantly too, France, engaged in the supply of arms to Biafra through the Ivory Coast and Gabon.

As pointed out by Edmonds, "the Nigerian Civil War was an extremely costly one in terms of consumption of weapons and ammunition as compared to other post-1945 civil wars; the length of time in which the Biafrans were

able to sustain the conflict was directly related to the external supply of arms."[137] Britain, before the civil war began, was traditionally the source of arms supplies to Nigeria, the involvement of Kremlin on a large scale was necessitated by the denial of arms supply by Britain and the United States to Nigeria at the beginning of the hostilities. France, too, made no secret of its support to the Biafrans when President Charles de Gaulle announced at a press conference on September 9, 1968, that "France, in this affair, has done what was possible to help Biafra... The decision which has not been taken is not ruled out for the future."[138] Whatever must have motivated the support given to the two sides of the conflict by these extra African powers, it was certain that the prolongation of hostilities of this conflict had been sustained at the expense of the political infirmity of the OAU to exert its influence effectively on these external interventions. Thus, with the intensification of the conflict, the OAU had lost its political leverage over the outcome of the conflict.

Gowon also charged too that "some of the humanitarian organizations and relief agencies have helped to sustain the secessionist regime through moral and material support, including the direct supply of foreign exchange, arms and military equipment."[139] At a press conference after the Algiers Summit Conference of African Heads of State and Government, President Hamani Diori of Niger also charged that under the cloak of humanitarianism, "a lot of harm has been done to Africa and Nigeria."[140] The OAU has neither the central authority to enforce some of its action-oriented objectives nor the manpower capability to restrain non-African involvements. It depended more energetically on moral persuasions (embodied in many of its resolutions) and when they failed, the OAU was helpless. For example, where the OAU resolution had

indicated that the two sides of the conflict should put an end to the hostilities, the repetitive soundness of these resolutions remained unheeded.

The role of the OAU on relief supplies to the victims of the war cannot be conclusive. I have found no documentary evidence that the OAU actually engaged in the supplies of relief materials. However, it has succeeded in arousing world opinion on relief issues and sometimes, through the personality of Emperor Haile Selassie, succeded in working out a compromise proposal for relief supplies.

C. SOME FINAL THOUGHTS

The OAU had chosen to mediate through an off and on process of negotiation in a conflict where an issue of territorial integrity was involved. As Arthur Lall has indicated, the process of negotiations can be facilitated by mediators "but when territory is at stake the party in possession tends to resist third party involvement."[141] Nigerians had initially resisted any mediation in the Nigeria/Biafra conflict under the pretense that it was their internal problem. However, when Nigerians finally agreed to the OAU mediation, it was likely to be at a point when they were certain about the direction with which the OAU was going and capitalized on this as a means to realize their goal of restoring the unity and territorial integrity of Nigeria.

The Biafrans not only succeeded in generalizing the conflict, but in doing so, helped to prolong the conflict because of outside suppport. While four African countries had supported Biafra diplomatically despite the OAU opposition to the Biafran secession, in the absence of any enforcement power either to ensure compliance of its resolutions or discipline its recalcitrant members, the OAU failed to resolve the conflict. Can the recent developments within the OAU constitute a rectification of its powerlessness to act in a crisis situation of its members?

The Sixteenth Ordinary Session of the Assembly of Heads of State and Government that took place in Monrovia (Liberia) from July 17-20, 1979, was a significant milestone in the history of the OAU. At this summit, African

leaders seemed to have found themselves trailing behind some of the realities of contemporary Africa. Notably, they have failed to realize the need to protect themselves from the intermittent threat of invasion or aggression from outside; for example, the unsuccessful invasion attempt in Guinea by Portugal on November 22, 1970. There was also a general feeling of deep concern about the principle of noninterference in the internal affair of member states becoming a veneer for the perpetration of vicious astrocities e.g. the violation of human rights. For all these reasons, African leaders have set out procedures to change the position of the OAU from its present status quo and to make it more responsive by proposing among other things:

(i) A comprehensive review of the OAU charter "in the light of the changes and new realities in Africa" and "in order to make its institutions and mechanisms more effective and generally to strengthen the organization in all respects" in Resolution AHG/Dec 111 (XVI).

(ii) Proposed in Resolution AHG/Dec 115 (XVI), an "African charter on human and peoples' rights" to provide "inter alia for the establishment of bodies to promote and protect human and peoples rights."

(iii) Proposed in Resolution AHG/Dec 113 (XVI), the creation of "an OAU Defense Force."

(iv) And lastly, in Resolution AHG/ST 3 (XVI), committed "themselves individually and collectively ...to promote the social and economic development and integration of (their) economies with a view of achieving an increasing measure of self-reliance and self-sustainment."

Viewed retrospectively, all these developments are desirable, but as pointed out by Ernst Hass, a "systematic growth at the expense of a fluid

environment demands concurrent growth of authority and legitimacy with one but without the other the survival of a stable system into the next phase of its life is all that can be expected."[142] Can the OAU afford these sweeping changes it has proposed for itself and which would probably enhance the authority and legitimacy of the OAU hitherto wanting? Or, are these proposed plans, a coloration of African statemen that sound forwardlooking while the organization itself would still lack the political spine to carry them out?

It is premature, to speculate on how much African countries can go beyond the symbolic emotionalism of their pressing needs. Being underdeveloped economically, and politically still enmeshed in one form of instability or another, the zeal and determination with which these plans are pursued, will count much on their objective realization.

Footnotes

[1]Emperor Haile Selassie, 'Towards African Unity,' The Journal of Modern African Studies, (vol. 1, no. 3, 1963) p. 287.

[2]Under Article XII of the Protocol establishing the Commission of Mediation, Conciliation and Arbitration, it was stated that the "commission shall have jurisdiction over disputes between states only."

[3]Andrew M. Scott, "Nonintervention and conditional intervention." Journal of International Affairs, vol. 22, no. 2, 1968, p. 208.

[4]The OAU had a record with its involvement in the Nigeria/Biafra War. While the war lasted for about 920 days, the OAU involvement began from September, 1967 and continued until September, 1969.

[5]The OAU membership does not correspond to the geopolitical environment of Africa. As pointed out by Boutros-Ghali, "the government of a state that wishes to join the organization must not only be in effective control of an African territory, but must also meet the ideological requirements laid down by the OAU -- the requirements of African ethics, which recognize the right of all peoples to self-determination and call for the complete eradication of colonialism." See Boutros-Ghali, "The Addis Ababa Charter," International conciliation, No. 546 (January 1964), p. 39. To gain independence, is not an automatic guarantee for OAU membership without meeting other basic requirements, Rhodesia (now Zimbabwe Rhodesia) and South Africa cannot become members of the OAU because they are generally seen as the last bastion of colonialism in Africa.

[6]W. Scott Thompson and Richard Bissell. "Legitimacy and Authority in the OAU," African Studies Review, vol. 15, no. 1 (April 1972), p. 19.

[7]I. William Zartman. International Relations in the New Africa, (New Jersey: Prentice Hall, Inc.; Englewood Cliffe, 1966), p. 146.

[8]Leslie Rubin and Brian Weinstein, Introduction to African Politics, 2nd ed. (New York: Praeger Publishers, 1977), pp. 244-245.

[9]John Markakis, "The Organization of African Unity: A Progress Report." The Journal of Modern African Studies, vol. 4, no. 2, (October, 1966) p. 136.

[10]Paragraph (ii) of the preamble of the OAU charter.

[11]Assembly of Heads of State and Government/Resolution AHG/Res. 16 (1).

[12]Basil Davidson, "Beyond the Flags and Anthems," New Stateman, (24 March, 1978), p. 391.

[13]T. O. Elias, "The Nigerian Crisis in International Law," The Nigerian Law Journal, vol. 5, 1971, p. 15.

[14]Saadia Touval, "The Organization of African Unity and African Borders," International Organization, vol. XXI, no. 1 (Winter 1969), p. 125.

[15]Rupert Emerson, "Self-Determination," The American Society of International Law, (April 28-30, 1966), p. 139.

[16]Ian Brownlie, ed., Basic Documents in International Law, (Oxford: Clarendon Press, 1967), p. 177.

[17]T. N. Tamuno, "Separatist Agitations in Nigeria Since 1914," Journal of Modern African Studies, vol. 8, no. 4 (1970), pp. 563-584.

[18]C. Odumegwu Ojukwu, Biafra: Selected Speeches and Random Thoughts of C. Odumegwu Ojukwu, (New York: Harper and Row, publishers, 1969), p. 331.

[19]S. K. Panter-Brick, "The Right of Self-determination: Its Application to Nigeria." International Affairs, vol. 44, no. 2 (April 1968), p. 258.

[20]Rupert Emerson, "Self-Determination," The American Society of International Law (April 28-30, 1966), p. 138.

[21]C. Odumegwu Ojukwu, Biafra, op. cit., p. 238.

[22]Charles R. Nixon, "Self-Determination: The Nigeria/Biafra Case." World Politics, vol. XXIV, no. 4, (July, 1972), p. 494.

[23]Rupert Emerson, "Self-Determination," American Journal of International Law, vol. 65, no. 3 (July, 1971), p. 459.

[24]Summit Conference of Independent African States (SCIAS/Gen/inf/14, p. 4.

[25]S. K. Panter-Brick, "The Right of Self-determination: Its Application to Nigeria," International Affairs, p. 260.

[26]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria: A Documentary Sourcebook 1966-70, vol. II (London: Oxford University Press, 1971), p. 332.

[27]Rupert Emerson, "Self-Determination" American Society of International Law (April 28-30, 1966), p. 139.

[28]Secretary General's Press Conference. UN Monthly Chronicle, vol. VII (February, 1970), p. 36.

[29]John H. Spencer, "Africa at the UN: Some Observations," in Africa and World Order, ed. Norman J. Padelford and Repert Emerson (New York: Frederick A. Praeger, Publishers, 1963), p. 113.

[30]Welcome Address to the OAU Consultative Mission by the Nigerian Head of State, Major-General Yakubu Gowon, quoted in Joseph Okpaku, ed. Nigeria: Dilemma of Nationhood (New York: The Third Press, 1972)(Appendices B), p. 411.

[31]West Africa, No. 2610 (June 10, 1967), p. 772.

[32]T. O. Elias, Africa and the Development of International Law (New York: Oceana Publishers, Dobb Ferry, 1972), p. 126.

[33]Ibid., p. 127.

[34]Ali A. Mazrui, Towards a Pax Africana: A Study of Ideology and Ambition, (Chicago: The University of Chicago Press, 1967), p. 118.

[35]Ali A. Mazrui, On Heroes and Uhuru-Worship: Essays on Independent Africa, (London: Longmans, Green and Co. Ltd, 1967), p. 48.

[36]Ali A. Mazrui has explained in President Nkrumah's terms that "we are all Africans is an assertion of a self-conscious collectivity, then the collectivity is as much an effect as a cause of the self-consciousness." See Ali A. Mazrui, Towards a Pax Africana, op. cit., p. 45.

[37]Ali A. Mazrui, indicated that "Pan-Africana postulated a triumph of continental jurisdiction, and perhaps of racial sovereignty." Ali A. Mazrui, Towards a Pax Africana, op. cit., p. 211.

[38]Rafiu Akindele, "Organization of African Unity and International Law." Nigeria Journal of International Studies, vol. 1, no. 1 (July 1975), p. 14.

[39]Ali A. Mazrui, Towards a Pax Africana, op. cit., p. 38.

[40]Ali A. Mazrui, Towards a Pax Africana, op. cit., pp. 21-128. Also see Ali A. Mazrui, On Heroes and Uhuru Worship, op. cit., pp. 35-39.

[41]Ali A. Mazrui, Towards Pax Africana, op. cit., pp. 118-119.

[42]Quincy Wright, "Is Discussion Intervention?" American Journal of International Law, vol. 50, no. 1 (January 1956), p. 107.

[43]Louis B. Sohn, ed. Recent Cases on United Nations Law (Brooklyn: The Foundation Press, Inc., 1963), p. 37.

[44]Welcome Address to the OAU Consultative Mission by the Nigerian Head of State, Major-General Yakubu Gowon, quoted in Joseph Okpaku, ed., Nigeria: Dilemma of Nationhood (New York: The Third Press, 1972) (Appendices B), p. 409.

[45]Rafiu Akindele, "Organization of African Unity and International Law," Nigeria Journal of International Studies, op. cit., p. 14.

[46]Article 2 (ib) of the OAU Charter.

[47]West Africa, no. 2629 (October 21, 1967), p. 1377.

[48]George Modelski, "International Settlement of Internal War," in International Aspects of Civil Strife, ed. James R. Rosenau (Princeton: New Jersey, Princeton University Press, 1964), p. 149.

[49]Richard A. Falk, "The Legitimacy of Legislative Intervention by the United Nations," in Essays on Intervention, ed. Roland J. Stanger (Ohio State University Press, 1964), p. 36.

[50]For a more detailed account of the Nigerian crises, the following books will be useful: A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria: A Documentary Source Book 1966-71 (two volumes)(London: Oxford University Press, 1971); B. J. Dudley, Instability and Political Order: Politics and Crisis in Nigeria (Ibadan: Ibadan University Press, 1973); John de St. Jorre, Brothers' War: Biafra and Nigeria (Boston: Houghton Mufflin Company, 1972).

[51]Para. 5 of the preamble of the OAU charter.

[52]The leaders of East African community had met, presumably to discuss the Nigeria/Biafra conflict before the Kinshasa Summit of the African Heads of State and Government.

[53]Agence Camerounaise de press, May 4, 1968, p. 14 quoted in Gemuh E. Akuchu, "Peaceful Settlement of Disputes: Unsolved Problem for the OAU." Africa Today (Denver), vol. 24, no. 4 (October and December, 1977), p. 44.

[54]Frederick Forsyth. The Biafra Story (England, Han Moudsworth, Middlesex: Penguin Books Ltd, 1968), p. 207.

[55]The statement was made by Mr. Haastrup, a Nigerian diplomat in Addis Ababa. See West Africa, no. 2622 (September 2, 1967), p. 1130.

[56]AHG/RES 5 (iv).

[57]Five postponements were made from September 21, to September 27, to October 5, to October 31 and finally to 22nd November. The Federal Government of Nigeria however denied responsibility for all these postponements. See West Africa, no. 2630 (October 28, 1967), p. 1409.

[58]The full text of Gowon's welcoming address to the OAU Consultative Mission quoted in Joseph Okpaku, ed. Nigeria: Dilemma of Nationhood, op. cit. (Appendices B), p. 411.

[59]General Ankrah of Ghana was probably chosen for this responsibility because of his personal relationship with Gowon of Nigeria and Ojukwu of Biafra. It should be recalled also that General Ankrah had played host to the Nigerian leaders in Aburi (Ghana) in their attempts to resolve the Nigerian crisis at its early stage.

[60]West Africa, no. 2635 (December 2, 1967), p. 1561.

[61]West Africa, no. 2669 (July 27, 1968), p. 855.

[62]Kaye Whiteman, "The OAU and the Nigerian Issue," World Today, vol. 24, no. 11 (November 1968), p. 450.

[63]West Africa, no. 2625 (September 23, 1967), p. 1223.

[64]John de St. Jorre, The Brothers' War. op. cit., p. 192.

[65]UN Monthly Chronicle, vol. VI, no. 2 (February 1969), pp. 39-40.

[66]African Report (January 1968), p. 46.

[67]Two diplomatic initiatives had been made by non-Africans to resolve the Nigeria-Biafra conflict without avail. First, was the Commonwealth Secretariat between December 1967 to May 1968 (Nigeria is a member of Commonwealth) and in June 1968 by the British Government, Nigeria's colonizer.

[68]West Africa, no. 2669 (July 27, 1968), pp. 854-855.

[69]Keesing's Contemporary Archives (August 24-31), 1968, p. 22879. At Aba, on July 30, the Biafran Commissioner for Information, Dr. I. U. Eke, indicated too that both sides had agreed on the dimilitarization of the relief routes and on the Mercy Corridor to be supervised by international observers however, that they disagreed on the definition of Corridor.

[70]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit, p. 245.

[71]Ibid., p. 245.

[72]Ibid., p. 243.

[73]West Africa, no. 2669 (July 27, 1968), p. 882.

[74]Keesing's Contemporary Archives (August 24-31, 1968), p. 22879.

[75]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit., p. 271.

[76]West Africa, no. 2671 (August 10, 1968), p. 937.

[77]Keesing's Contemporary Archives (August 24-31, 1968), p. 22879.

[78]Ibid., p. 22879.

[79]At the Kampala Peace Talks, which was held under the auspices of the Commonwealth Organization, from May 23-31, 1968, the Biafrans presented a six point peace proposal identical to those listed above while Nigeria presented a twelve point plan requiring for example, the renunciation of secession by the Biafrans twelve hours before the ceasefire.

[80]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit. p. 72.

[81]T. O. Elias, "The Nigerian Crisis in International Law," op. cit., p. 8.

[82]President Bongo of Gabon in a television interview in Paris had indicated, "I cannot go to the Algiers Conference for I disapprove the default of the OAU in the Biafran War," adding, "genocide is under way in Biafra... Silence is no longer possible. I refuse to make myself an accomplice to this international crime." West Africa, no. 2675 (September 7, 1968), p. 1055. No specific explanation was given for the absence of Presidents Nyerere of Tanzania and Houphouet-Boigny of Ivory Coast. However, it is not difficult

to fanthom their conspicuous absence. For instance, the Algeria/Tanzania relations have not fully recovered from the shocks of 1965 events which overthrew the Algerian President Ben Bella. President Houphouet-Boigy also must have boycotted the summit in an attempt to avoid the embarrassment of his host (an Arab) because of his friendly relations with Israel.

[83]AHR/RES 54 (v).

[84]West Africa, no. 2677 (September 21, 1968), p. 1089.

[85]Ibid., p. 1091.

[86]Ibid., p. 1091.

[87]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit. p. 327-328.

[88]F. S. Northedge and M. D. Donelan, International Disputes: The Political Aspects (New York: St. Martin's Press, 1971), p. 273.

[89]Incidentally, Presidents Diori and Mobutu were members of the OAU Consultative Committee on Nigeria. The two presidents were pro-federal supporters from the beginning of the Nigeria/Biafra conflict.

[90]General Ankrah, who was one of the original members of the OAU Consultative Committee, was forced to resign from his presidency two weeks prior to the Monrovia talks because of an alleged improprieties.

[91]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria, (vol. 2), op. cit., pp. 375-376.

[92]Africa Research Bulletin (April 1-30, 1969), p. 1383.

[93]Ibid., p. 1383.

[94]Ibid., p. 1383.

[95]Africa Research Bulletin (September 1-30, 1969), p. 1516.

[96]AHG/RES 58 (vi).

[97]Africa Research Bulletin (September 1-30, 1969), p. 1517.

[98]West Africa, No. 2728 (September 13, 1969), p. 1075.

[99]Oran R. Young, The Intermediaries: Third Parties in International Crises, (Princeton, New Jersey: Princeton University Press, 1967), p. 107.

[100]Inis L. Claude, Jr., Swords and Plowshares, 3rd ed., (New York: Random House, 1964), p. 106.

[101]J. S. Nye, Peace in Part: Integration and Conflict in Regional Organization, (Boston: Little, Brown and Company, 1971), pp. 133-137.

[102]John J. Stremlau, The International Politics of the Nigerian Civil War 1967-1970 (Princeton, New Jersey: Princeton University Press, 1977), p. 277.

[103]Paragraph 5, AHG/Res. 5 (vi).

[104]U.N.G.A. 23rd Session Provisional Verbatim Record A Pv 1687, (October 9, 1968), p. 27.

[105]Berhanykun Andenicael, The OAU and the UN: Relations Between the Organization of African Unity and the United Nations (New York: Africana Publishing Company, 1976), p. 82.

[106]I. William Zartman, "Africa as a Subordinate State System in International Relations," International Organization, vol. XXI, No. 3, (Summer 1967) p. 559.

[107]F. S. Northedge and M. D. Donelan, International Disputes: The Political Aspects, op. cit., p. 188.

[108]Seth Singleton, "Conflict Resolution in Africa: The Congo and the Rules of the Game," Pan-African Journal, vol. 7, no. 1, 1975, p. 16.

[109]Inis L. Claude, Jr., Swords into Plowshares, 4th ed., (New York: Random House, 1971), pp. 187-188).

[110]Samuel P. Huntington, "Political Development and Political Decay." World Politics, vol. XVII (April 1965), p. 403.

[111]Zdenek Cervenka, The Organization of African Unity and Its Charter. (New York: Frederick A. Prager, publishers, 1969), p. 91.

[112]The 'ideal resources' of an intervener in any international system will include the qualities of its impartiality, independence, continuity, neutrality and reputation. See J. S. Nye, Peace in Parts: Integration and Conflict in Regional Organization (Boston: Little, Brown and Company, 1971), pp. 133-134, and Oran R. Young, The Intermediaries: Third Parties in International Crises (Princeton, New Jersey: Princeton University Press, 1967), chapter 3.

[113]West Africa (No. 2673, August 24, 1968), p. 971.

[114]Oran R. Young, The Intermediaries, op. cit., p. 81.

[115]Ibid., p. 81.

[116]C. Odumegwu Ojukwu, Biafra, op. cit., p. 183.

[117]Roger Fisher, "Fractionating Conflict," in International Conflict and Behavioral Science, ed. Roger Fisher (New York: Basic Books, Inc. publishers, 1964), p. 100.

[118]West Africa, no. 2635 (December 2, 1967), p. 1561.

[119]Kaye Whiteman, "The OAU and the Nigerian Issue," op. cit., p. 450.

[120]See E. Wayne Nafziger and William L. Richter, "Biafra and Bangladesh: The Political Economy of Secessionist Conflict," Journal of Peace Research (vol. XII, No. 2, 1976), pp. 91-109. See also Victor P. Diejomaoh, "The Economics of the Nigerian Conflict," in Nigeria: Dilemma of Nationhood, Joseph Okpaku ed. (New York, The Third Press), pp. 319-365.

[121]Colin Legum and John Drysdate. Africa Contemporary Record, Annual Survey and Documents 1969-70, (Exter: Africa Research Ltd., 1970) p. B557.

[122]John de St. Jorre. The Brothers' War, op. cit., p. 302.

[123]Gemuh E. Akuchu, "Peaceful Settlement of Disputes: Unsolved Problem for the OAU," op. cit., p. 44.

[124]Inis L. Claude, Jr., Swords in Plowshares, 4th ed., op. cit., p. 238.

[125]West Africa, no. 2636 (December 9, 1967), p. 1594.

[126]John J. Stremlau, The International Politics of the Nigerian Civil War 1967-1970, op. cit., p. 308.

[127]Inis L. Claude, Jr., Swords into Plowshares, 4th ed., op. cit., p. 235.

[128]George Modelski,"International Settlement of Internal War" in International Aspects of Civil Strife, ed. James R. Rosenau, op. cit., p. 133.

[129]John de St. Jorre, The Brothers' War, op. cit., p. 200.

[130]Gemuh E. Akuchu, "Peaceful Settlement of Disputes: Unsolved Problem for the OAU," op. cit., pp. 46-48.

[131]C. Odunegwu Ojukwu. Biafra, op. cit., p. 186.

[132]Full text of His Majesty Emperor Haile Selassie of Ethiopia's reply to the welcome address presented to the OAU Consultative Committee in Lagos by the Head of State of Nigeria, quoted in Joseph Okpaku, ed. Nigeria: Dilemma of Nationhood, op. cit. (Appendices B), p. 413.

[133]West Africa, no. 2675 (September 7, 1968), p. 1057.

[134]West Africa, no. 2708 (April 26, 1969), p. 485.

[135]West Africa, no. 2709 (May 3, 1969), p. 514.

[136]U.N.G.A. 23rd Session, Provisional Verbatim Record A/PV 1685 (October 8, 1968), pp. 63-65.

[137]Martin Edmonds, "Civil War and Arms Sales: The Nigerian-Biafran War and Other Cases," in Civil Wars in the Twentieth Century, ed. Robin Higham (Lexington: The University Press of Kentucky, 1972), p. 206.

[138]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit., p. 329.

[139]A.M.H. Kirk-Greene, Crisis and Conflict in Nigeria (vol. 2), op. cit., p. 428.

[140]West Africa, no. 2678 (September 28, 1968), p. 1154.

[141]Arthur Lall, Modern International Negotiation: Principles and Practice (New York: Columbia University Press, 1966), p. 100.

[142]Ernst Haas, "Dynamic Environment and Statis System: Revolutionary Regimes in the United Nations," in Revolution in World Politics, ed. Morton Kaplan (New York: John Wiley and Sons, 1962), p. 306.

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CONFLICT RESOLUTION IN AFRICA: THE OAU INVOLVEMENT IN THE NIGERIA/BIAFRA WAR

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ABSTRACT

The objective of this study is to examine the mediatory role of the OAU in the Nigeria/Biafra War and its 'effectiveness' in dealing with such an internal conflict situation.

Apart from the fact that OAU has no jurisdictional base (under Article 3ii) to intervene in an internal affair of member states, certain principles also emerged during the Nigeria/Biafra War which made it difficult for any effective involvement of the OAU for example, the principles of self-determination and territorial inviolability. While these complicated its involvement, the OAU acted on the assumption that the war was an 'African problem' which must be given an 'African solution' by placing it on its agenda and discussing it.

During its Kinshasa Summit in 1967, the Assembly of African Heads of State and Government passed a resolution on Nigeria. The resolution recognized the war as an internal responsibility of Nigeria for solution and proposed placing the services of the Assembly at the disposal of the Federal Government of Nigeria. The only operative paragraphy of the resolution was the appointment of six member states of the OAU: Ethiopia, Cameroon, Niger, Ghana, Liberia and Congo (now Zaire) to the Consultative Committee on Nigeria.

The thesis examines the OAU's institutions and some of the principles operative during the war and relates them to the circumstances of the conflict situation. The mediatory role of the OAU's ad hoc committee which met many times to resolve the conflict but without avail is also examined.

In the conclusion, the study sets out some factors to examine the ineffectiveness of the OAU in resolving the conflict peacefully. The thesis also utilizes some of the available documents of the OAU and supplemented by other secondary sources.

Even though the OAU failed to resolve the conflict through its own machinery set up for that purpose, its involvement was not a total failure. One of the objectives of the OAU was to discourage the principle of secession in a member state by condemning it and to contain the internationalization of the conflict. Although four African countries: Tanzania, Ivory Coast, Gabon, and Zambia recognized Biafra, along with two non-African countries. Haiti and France, these developments, when compared with the OAU's experience in the Congo crisis when its members were divided ideologically along the fractional lines of the crisis, its experience during the Nigerian Civil War can be said to be a success.

In assessing its 'effectiveness' in handling the conflict, it is pointed out that the OAU principles, mandate and the role of the incumbent Secretary-General of the OAU among other things, were fundamental to its 'ineffectiveness' in resolving the conflict. Moreover, the OAU institutions have no power to enforce compliance of its resolutions even when they are proposed. Additionally, the OAU 'powerlessness' is also revealed by its lack of resources to resolve the conflict.

A review of the operational structure of the OAU to make it more responsive was contemplated during the Sixteenth Ordinary Session of the Assembly of Heads of State and Government held in Monrovia (Liberia) in July, 1979. It is hoped that this will enhance the operational capacity of the OAU in handling potential conflicts within its geopolitical environment.