



KAMPALA INTERNATIONAL UNIVERSITY **LAW JOURNAL**

KIULJ Vol. 2, Issue 2, 2018

THE SEARCH FOR A LASTING SOLUTION TO THE PERENNIAL BORDER CONFLICTS IN AFRICA

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Abstract

In Africa, there are no Berlin walls to separate one country from another. The boundaries, artificial lines drawn by the Scramblers for Africa, do not separate these countries in a physical sense. In the great scramble, no thought was given to the African people as the Europeans went to work on the 'sumptuous African cake'. Their interest was in real estate and it did not matter that the 'knife' cutting the African soil was also separating families, separating fathers from their children and setting a brother against another. The negative impact of colonialism in political terms was quite dramatic and devastating. African states lost their powers, independence and meaning irrespective of whether they were big empires or small entities. And what is more, most if not all the African countries have not fully and truly recovered from the attendant effects of colonialism that resulted from the border crisis. In the light of the above, the article seeks to identify the effects of border or boundary crisis in Africa. It also traces some emerging issues and proffers solutions to the lingering border problems on the continent.

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Introduction

At independence, African states found themselves with poor prospects for sustained economic growth.¹ The new states inherited colonial boundaries that grouped many diverse ethnicities into single artificial countries. These internal differences among the population often resulted in civil wars leading to even greater economic and social misery for the people. Conflict and misery in one state tended to spill over into its neighbours due to refugees, trans-border movement of guerilla groups, the disruption of transportation routes, or the involvement of external governments in the “internal affairs”⁵ of another country.² African leaders realize that conflict in one state affects many more states on its borders. Africa national borders are afflicted by a multitude of troubles that straddle villages and communities. These can include military skirmishes, cattle rustling, terrorism, secessionist movements, smuggling, ethnic violence, people trafficking, irredentism and agrarian revolts.³

Border disputes have been a reality on the continent through the millennia. Pre-colonial Africa was hardly a setting of harmony and bliss between African peoples. Most kingdoms paid attention to territorial control and did adapt some precise boundaries. But border disputes are not the preserve of Africa, as the recent conflict between the Ukraine and Russia attests.⁴ Africa, however, has its own peculiar set of problems, mostly by dint of the Berlin Conference which partitioned the continent into lucrative pieces for the colonizers. But the conference never intended to achieve a meaningful delimitation of Africa. As Lord Salisbury admitted, not

¹TM Mays, ‘African Solutions for African Problems: The Changing Face of African-Mandated Peace Operations’ (2003) Vol. 23, No 1, *The Journal of Conflict Studies* 1 <https://www.journals.lib.unb.ca/index.php/jcs/article/view/353/552&ved=2ahUKEwj8u0u_bcAhWbF8AKHVwkBQYQfjaaEGQIBhAB&usg=AOvVaw3bQ7vCRvRAW_e dfdcJucTY> accessed 18 August 2018.

²*ibid.*

³G Oduntan, ‘Border Disputes are Set to Rise in Africa’ <<https://theconversation.com/africas-border-disputes-are-set-to-rise-but-there-are-ways-to-stop-the-m-44264>> accessed 14 August 2018.

⁴*ibid.*

only was the delimitation largely arbitrary, but the mapping exercise was far from a precise art.

To capture the scenario of the illogical partitioning of Africa, Lord Salisbury, a former British Prime Minister said:

We have been engaged in drawing lines upon maps where no white man's feet has ever trod; we have been given away mountains and rivers and lakes to each other, only hindered by small impediments that we never knew exactly where the mountains and rivers and lakes were.⁵

Nothing can be farther from the truth, because the Europeans divided African continent by separating kith from kin as it were.

Conglomerate of African Border Crisis

Today, close to 100 active border issues and disputes exist across the continent. Rising nationalism, population and environmental pressures mean that the situation is likely to get worse. Unless an army of indigenous peace practitioners work closely with available pan-Africanist leaders and statesmen to douse and resolve tensions. It goes without saying that the borders of African states are porous and the conflict in one state almost and invariably spreads into territories of neighbouring states through influx of refugees; and even provides hide-outs for the rebels.⁶ From West Africa to South Africa to East Africa and then to North Africa there are always border conflicts.

In West Africa, for example, there is land and maritime disputes between Cameroon and Nigeria which has since been decided by the International Court of Justice in favour of Cameroon over the Bakassi Peninsula.⁷ Also, there is a frontier dispute

⁵ Gascoyne-Cecil, RAT <<http://socialistbanner.blogspot.com/2015/12/quote-of-the-dawn-colonial-scramble-for-africa.html?m=1>> accessed 12 August 2018.

⁶Mays (n 1). See also E Botei, 'How can the Africa Union improve on its Function of being the'' African Solution to Africa Problems'' with Regard to Conflict Resolution?' (2015) Vol. 4 No 4, *American International Journal of Social Science* 43.

⁷JA Adeyeye, 'Handover of Bakassi to the Republic of Cameroon: Matters Arising' (2008) Vol 1, No 3 *Confluence Journal of Jurisprudence and International Law* 115 to 129. This judgment of the International Court of Justice (ICJ) reported as the case concerning maritime and land frontier- Cameroon/Nigeria (2002) (F.W.L.R) (parts 132-134) pp 1-415. See also the Guardian (Nigeria), Tuesday August, 12th 2008 p.83.

between Burkina Faso and Niger,⁸ and between Benin-Niger frontier disputes.⁹ In North Africa on the other hand, boundary disputes and contested territories abound. For example, it includes Moroccan claims over Spanish territories of Ceuta and Meilla.¹⁰ Going further is the long-lasting Morocco and Mauritania struggle against the Polisario Front,¹¹ while Libya and Algeria have intervened in favour of the Saharan National Liberation Movement. Algeria and Morocco accuse each other of harbouring militants and condoning arms smuggling.

Also in North Africa, Algeria and Morocco continue to accuse each other of harbouring militants and condoning arms smuggling.¹² In addition, Libya is claiming about 32,000 square kilometers that apparently is under Algerian control.¹³ Though Sudan claims yet Egypt *de facto* administers, security and economic development of the Halaib region north of the 22nd parallel boundary.

⁸T Kill, 'Introductory Note to Frontier Dispute (Burkina Faso and Niger) (I.C.J)' (2013) Vol. 52, No 6, *International Legal Materials (ILM)* <<http://www.jstor.org/stable/10.5305/intelegamate.52.6.1215>> accessed 16 August 2018.

⁹S Allen, 'Case concerning the Frontier Dispute (Benin/Niger) (2006) Vol 55, No 3, *The International and Comparative Law Quarterly* 729-742 <http://www.jstor.org/stable/4092650?seq=1#page_scan_tab_contents> accessed on 16 August 2018.

¹⁰FG Ceuta, 'The Battle over Ceuta, Spain's African Gibraltar' (*The Telegraph*, 10 August 2013) <<https://www.telegraph.co.uk/news/worldnews/europe/spain/10235205/The-battle-over-Ceuta-Spains-African-Gibraltar.html>> accessed 16 August 2018.

¹¹A Lippert, 'Sahrawi Women in the Liberation Struggle of the Sahrawi People' (1992) Vol. 17, No 3, *The University of Chicago Press Journals* 636-651 <https://www.jstor.org/stable/3174626?seq=1#page_scan_tab_contents> accessed 16 August 2018. Morocco and Mauritania entered the conflict because of their historical claims to the Saguia el Hamra (northern two-thirds) and the Rio de Oro (Southern one-third) regions of Spanish Sahara, now known as Western Sahara. Although these claims were discounted in 1975 by the international court of Justice in favour of a referendum of the Sahrawi people, the countries used their 1975 agreement with Spain and military force in their effort to exert control over the mineral-rich region.

¹²A James, 'The Dispute Between Algeria and Morocco (1963- 1964) *Peacekeeping in International Politics* <<http://www.google.com.ng/search?q=james+A%C3+the+dispute+between+algeria+and+morocco&=chrome...69i57.27903j0j4>> accessed 16 August 2018.

¹³ Dormant disputes include Libyan claims of about 32,000 square kilometers still reflected on its maps of southeastern Algerian and FLN's assertions of a claim to Chirac Pastures in southeastern Morocco; various Chadian rebels from the Aozou region reside in southern Libya.

As it would be expected, East Africa is not also left out. In East Africa, there are tensions between a number of countries. They include; the conflict in the Ilemi Triangle between Sudan and Kenya.¹⁴ There is also the Nadapal boundary dispute between Kenya and South Sudan.¹⁵ There is also a dispute over Lake Malawi between Tanzania and Malawi.¹⁶ Added to this, is the dispute over the Mingino Islands between Kenya and Uganda.¹⁷ There is also the dispute between Eritrea and Ethiopia over the Badme territory.¹⁸ This border between Ethiopia and Eritrea was just recently opened after its closure for more than twenty years,¹⁹ so also is the dispute between Sudan and South Sudan that led to a referendum that finally culminated in the independence of South Sudan in 2011.²⁰

¹⁴ MN Amutabi, 'Land and Conflict in the Ilemi Triangle of East Africa' (2010) Vol. 3, No 2, *Kenya Studies Review* 21.

¹⁵ JD Dak, 'South Sudan Seeks Peaceful Solution to Border Dispute with Kenya, *Sudan Tribune* (31 October 2009) <<https://www.sudantribune.com/South-Sudan-seeks-peaceful,32969>> accessed 17 August 2018. Even as it were, as a semiautonomous government, South Sudan was already making frantic efforts to solve boundary problem with her neighbour.

¹⁶ Reuters, 'Malawi Plans to Take Lake Dispute with Tanzania to Hague Court' <<https://www.voanews.com/a/malawi-tanzania-lake-dispute-hague-court/3854358.html>> accessed 1 August 2018. It should be noted that Malawi is situated at the West of Africa's third largest lake, claims the entire northern half of the lake while Tanzania to the east, says it owns half of the northern area. The Southern half is shared between Malawi and Mozambique. The hydrocarbon found in this region have made the 50 year old row over territory between Tanzania and Malawi more intense.

¹⁷ GG Muchege, *Resolving the Mingino Island Dispute between Kenya and Uganda under International Law: Prospects and Challenges* (unpublished) A Project Paper Submitted in Partial Fulfillment of the Requirements <for the Award of the Degree of Master of Laws (LL.M) of the University of Nairobi, 2017 <<https://www.google.com.ng/search?q=dispute+over+mingino+islands+between+kenya+and+uganda&q=chrome..69i57.31276j04&client=ms-android-a1-infinix&sourceid=chrome-mobile&ie=UTF-8>> accessed 17 August 2018.

¹⁸ The Eritrean-Ethiopian War, one of the conflicts in the Horn of Africa, took place between Ethiopia and Eritrea from May 1998 to June 2000, with the final peace only agreed to in 2008, twenty years after the initial confrontation. While Eritrea and Ethiopia- two of the world's poorest countries- spent hundreds of millions of dollars on the war and suffered tens of thousands of casualties as a direct consequence of the conflict, only minor border changes resulted.

¹⁹ H Ahmed, 'Ethiopia – Eritrea Border Opens For the First Time in Twenty Years' *The New York Times* (New York 11 September 2018 <<https://www.nytimes.com/2018/09/11/world/africa/ethiopia-eritrea-border-open.html>> accessed 12 September 2018.

²⁰ GH Johnson, 'The Heglig Oil Dispute Between Sudan and South Sudan (2012) Vol 6, No 3, *Journal of Eastern African Studies* 1-9

Central African States are not also left out of the border crises plaguing Africa. There is the ongoing boundary problem over Congo River between the Republic of Congo and Democratic Republic of Congo.²¹ Uganda and Democratic Republic of Congo continue to dispute over the Rukwanzi Island in Lake Albert and other areas on the Semiliki River with hydrocarbon potential.²² In addition, Southern Africa has its own set of disputes. The contestation between Namibia and South Africa over the Orange River has been described as one of the oldest boundary disputes in the world.²³ There are tensions between Swaziland and South Africa.²⁴ The Democratic Republic of Congo (DRC) accuses Angola of shifting monuments on their common boundary.²⁵ Namibian exploitation of the Okavango River has been a source of disagreement with Botswana.²⁶ Unresolved boundaries afflict portions of the Namibia, Zimbabwe and Zambia borders.²⁷ As if

<https://www.researchgate.net/publication/241729143_The_Heglig_oil_dispute_between_Sudan_and_South_Sudan> accessed 17 August 2018.

²¹ J Burke, 'Face-off Over the Congo: the Long Rivalry Between Kinshasa and Brazzaville' *The Guardian* (Lpgos, 17 January 2017) <<https://www.theguardian.com/cities/2017/jan/17/congo-rivalry-kinshasa-brazzaville-river-drc>> accessed on 17 August 2018.

²² Oduntan (n 3).

²³ R Bolaji *et al*, 'Namibia – South Africa dispute over Orange River (International Boundary Disputes in Southern Africa) (Unpublished) a group research submitted to the Department of History and Strategic Studies, University of Lagos, Nigeria, in partial fulfillment of the award of Masters of Arts Degree in History and Strategic Studies, 12th February, 2014 <http://www.academia.edu/6164545/NAMIBIA-SOUTH_AFRICA_DISPUTE_OVER_ORANGE_RIVER_BORDER International Boundary Disputes in Southern Africa> accessed on 18 August 2018.

²⁴ SM Nkiwane, 'Border Issues and Conflicts in Southern Africa' (1993) Vol 25, No 1 *Peace Research* <<http://www.jstor.org/stable/23607225>> accessed 18 August 2018.

²⁵ D Moudachirou, 'Memorandum of Understanding between Angola and DRC as a Provisional Arrangement for their Maritime Boundaries Delimitation's Dispute – Reality or Myth? PHD Thesis Submitted to the Institute of International Law, School of Law, Wuhan University, (China), (2015) 96-103 <<http://www.eajournals.org>> accessed 18 August 2018.

'Arms Procurement Program represent a drift towards Military Confrontation in the Region?' (1991) Vol 29 *Scientia Militaria, South African Journal of Military Studies* <<http://scientiamilitaria.journals.ac.za>> accessed 18 August 2018.

²⁷ Lusakatimes, 'Zambia and Botswana agree to allow Zimbabwe to join the Kazungula Bridge project' *Lusaka Times* (Lusaka, 15 March 2018) <<https://www.lusakatimes.com/2018/03/15/zambia-botswana-agree-allow-zimbabwe-join-kazungula-bridge-project/>> accessed 18 August 2018.

dispute over territories and boundaries are not enough tendencies aiming at the creation of more independent are rife.

Succession in African Countries

Observing African politics clearly reveals the continent is racked with conflict. These conflicts range from political protests to wars breaking out within countries and externally between countries that share a common border.²⁸ Most conflicts which have occurred, however, have been confined within national borders.²⁹ Conflict which occurs inside countries' borders often bears the hallmark of one or more groups squabbling over a natural wealth or a region deciding unilaterally to end its association with a government because of ideological or policy differences.³⁰ A misunderstanding that arises between a region or an ethnic group and the central government can lay dormant for several years until it explodes unexpectedly into mayhem which can destroy families, relationships, and traditions.³¹ The governments of Ethiopia and Sudan failing to address grievances of outlying regions satisfactorily for one-half century steered those regions to war, resulting in Eritrea and South Sudan separating to form new nations.³² In spite of several cases of internally-generated dissensions and weak governmental structures, it is remarkable that many more African countries have not been torn apart.³³

However, the handful of cases on secession could be misleading because they offer a false impression that the issues that

²⁸ A Mazrui, 'The Bondage of Boundaries: Why Africa's Map Will be Redrawn' *The Economist* (New York, 1993) 328 (7828) 28-31 <<https://www.highbeam.com/doc/1G1-14380419.html>> accessed 31 August 2018; Mnyongani, 'Between a Rock and a hard Place: the Right to Self-determination versus *uti possidetis* in Africa' (2009) *Comparative and International Law Journal* <<https://jstor.org/stable/23253196>> accessed 31 August 2018.

²⁹ *ibid.*

³⁰ J Herbst, 'The Creation and Maintenance of National Boundaries in Africa' (1989) 43(3) *International Organization* <<https://www.jstor.org/stable/2706803>> accessed on 31 August 2018.

³¹ A Olukosi, 'The African Union and African Integration' (2013) *Policy and Management Report* 15-17.

³² Human Rights Watch 'HRW Urges Eritrea and Ethiopia to Stop Targeting Civilians' (1988) <<http://www.hrw.org/newz/1998/06/hrw-urges-eritrea-and-ethiopia-stop-targeting-civilians>> accessed 31 August 2018.

³³ *ibid.*

can tear apart the relationship between a region and a central government have not been properly and adequately resolved.³⁴ In reality, the sorry state of relationships between regions and central governments in Africa is far from clear. In each country, regions want the central government to address outstanding issues to their satisfaction as governments also have wanted regions to play their part by being responsible partners and acquiescing to their edicts. No government can be complacent addressing the issues for which a region or group seeks redress.³⁵ None may be redundant. Complacency may only push the region or ethnic group to the brink by seeking separation from the union with ramifications that are hard to foretell.³⁶

As noted earlier, one controversial but enduring legacy European colonialism left in Africa was national borders. Breaking such a large continent into smaller sovereign nations has helped to create unique identities among people which have become powerful symbols of national pride and interest.³⁷ At the same time, the haphazard manner in which nations were created has caused irredentist urgings by groups on other groups which might have been minimal had the colonialists taken greater care clustering groups into countries.³⁸ Colonial administrators broke up or clustered people, languages, customs and alliances with little rational guidance from history, tradition and logic. Not surprisingly,

³⁴ M Francis, *et al* 'Sovereignty as Responsibility: Conflict Management in Africa' (Washington: The Brookings Institution, 1996)

<https://scholar.google.com/scholar?q=francis+deng+sovereignty+as+responsibility&hl=en&as_sdt=0&as_vis=1&oi=scholar> accessed 31 August 2018.

³⁵ *ibid.*

³⁶ JD Fearon, 'Why do some Civil Wars last so much longer than Others?' (2004) 41(3) *Journal of Peace Research* 275-301

<https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&as_vis=1&q=fearon%2C+J.D%2C+why+do+some+civil+wars+last+so+much+longer+than+others%2C+journal+of+peace+research&btnG=#d=gs_qabs&p=&u=%23p%3D04LNs-XccQs!> accessed 31 August 2018; ML Ross, 'What do we know about natural resources and civil war?' (2004) *Journal of Peace Research* <<http://journals.sagepub.com/doi/abs/10.1177/0022343304043773>> accessed 31 August 2018.

³⁷ GN Ostby and RK Ragnhild, 'Regional Inequalities and Civil Conflict in Sub Saharan Africa' (2009) 53(2) *International Studies Quarterly*.

³⁸ *ibid.*

the conflicts that have occurred between nations are blamed on the haphazard demarcation of borders.³⁹ According to Herbst,⁴⁰ European colonialists ignored some basic guidelines for portioning land such as making such important decisions on scanty information about Africa's geography, and dividing territories without taking time to consider demographic, ethnographic and topographic imperatives.⁴¹ The haphazardness shown for cartography was expected because, according to Stone,⁴² the Berlin Conference was called mainly to defend the traditional long-standing free-trading system which Europe had set up along the coast of Africa.⁴³ Colonial administrators and new African governments tried to adhere closely to the boundaries they had inherited to uphold the principle of *uti possidetis*, which provides that states emerging from decolonization shall presumptively inherit the colonial administrative borders they held at independence.⁴⁴ That understanding has done little to dampen calls coming from some governments to clarify their boundaries with their neighbours, which is a euphemism for getting a piece of territory back.⁴⁵

Legume was an observer who, early in Africa's independence decade, denounced Africa's artificial borders and called for

³⁹ A Hughes, 'Decolonizing Africa: Colonial Boundaries and the Crisis of the (non) Nation State' (2004) 15 *Diplomacy and Statecraft* 833 – 834 <<https://www.tandfonline.com/doi/abs/10.1080/09592290490886892?journalCode=fdps20>> accessed 15 September 2018.

⁴⁰ Herbst (n 30).

⁴¹ *ibid.*

⁴² JC Stone, 'Imperialism, Colonialism and Cartography: Transactions of the Institute of British Geographers' (1988) 13(1) 57 – 64 <<https://www.jstor.org/stable/622775>> accessed 15 September 2018.

⁴³ *ibid.*

⁴⁴ SR Ratner, 'Drawing a Better Line: *UTI Possidentis* and the Border of New States' (1996) 90(4) *The American Journal of International Law* 590 – 624 <https://scholar.google.com/citations?user=YD04s20AAAAJ&hl=en#d=gs_md_cita-d&p=&u=%2Fcitations%3Fview_op%3Dview_citation%26hl%3Den%26user%26tzom%3D-60> accessed 15 September 2018. See also J Clark *et. al* 'Enforcing Restraint: Collective Intervention in Internal Conflicts' (1993) *Council on Foreign Relations* <https://scholar.google.com/citations?user=YD04s20AAAAJ&hl=en#d=gs_md_cita-d&p=&u=%2Fcitations%3Fview_op%3Dview_citation%26hl%3Den%26user%3DYD04s20AAAAJ%3A5UIDiDaHHb8C%26tzom%3D-60> accessed 15 September 2018.

⁴⁵ *ibid.*

abolishing or adjusting them.⁴⁶ Delegates at the first Organization of African Unity (OAU) meeting in Addis Ababa in 1963, however, opted to support the inviolability of national borders as one of the organization's core principles. In 1964, the OAU, obviously, was seeking to avoid opening a Pandora's Box as it sought to discourage groups from making irredentist claims on other groups outside their common border. Memorable claims of such nature have occurred nonetheless. They have been between Egypt and Libya in 1977⁴⁷ when Libyan forces occupied Sallum in Egypt. Egypt and Sudan have had a dispute over the Hala in Triangle wedged between them.⁴⁸ Ethiopia and Somalia have fought over the Ogaden,⁴⁹ and Libya and Chad over the Aouzou Strip.⁵⁰ Nigeria and Cameroon had disputations over Bakassi,⁵¹ and Ethiopia and Eritrea have fought for control over Badme. Mazrui⁵² predicted that ethnic conflict would present continual problems in politics, and over the next century the outlines of present-day African states would change in one of two ways. The first would be ethnic self-

⁴⁶ C Legume, 'The Dangers of Independence' (1962) 6(7) *Transitions* 11-12 <<https://www.google.com.ng/url?sa=t&source=web&rct=j&url=s://pdfs.semanticscholar.org/1afe/56c462be9c3b261e7f0a5a26f51acd1b03e5.pdf&ved=2ahUKEwiGm5iC57zdAhWJT8AKHWj2BxUQFjAAegQIBRAB&usq=AOvVaw0hy8T4g43Ue5q62j3BIH41>> accessed 15 September 2018.

⁴⁷ T Gerasimos, 'The Politics of Egyptian Migration to Libya' (2015) *Middle East Report and Information Project* <<https://www.merip.org/mero/mero031715>> accessed 15 September 2018.

⁴⁸ AH Adam, 'What is Going on Between Egypt and Sudan?' *Aljazeera News Network* (12 January 2018) <<https://aljazeera.com/indepth/opinion/egypt-sudan-crisis-180110134022602.html>> accessed 15 September 2018.

⁴⁹ D Christopher, 'Somali Piracy and Terrorism in the Horn of Africa' (London, Martin Gordon 2012) 17 – 18 <https://books.google.ca/books?id=gel_JUx-44MC&pg=PA18&dq=Ogaden+War+saudi+arabia&hl=en&sa=X&redir_esc=y#v=snippet&q=italy%20arms&f=false> accessed 15 September 2018.

⁵⁰ GJ Naldi, 'The Aouzou Strip Dispute – A Legal Analysis' (1989) 33(1) *Journal of African Law* 72-77 <<https://jstor.org/stable/745533>> accessed 15 September 2018. The Aouzou Strip is a region of some 44,000 square miles in the north of Chad bordering the whole 500mile frontier with Libya. It is reputedly rich in minerals, particularly uranium. The immediate source of the dispute lies in a Franco-Italian treaty of 1935 but its origins lie earlier in history. The border between Libya, then part of Ottoman Empire, and Chad, which became part of the French Equatorial Africa in 1910, was first enunciated under an Anglo-French convention of 14 June 1898, delimiting spheres of influence east of Niger.

⁵¹ Adeyeye (n 7).

⁵² Mazrui (n 28).

determination, which would create smaller states, and the other-regional integration- will create larger political communities and economic unions.⁵³

Where a region or an ethnic group is located relative to other regions has been an important but often overlooked factor that determines whether a disenchanted group or region will stay in a political union. A region or group hemmed in by other groups or regions is circumscribed by geography to accept a compromise with the government in a dispute, even if the group finds the solution distasteful.⁵⁴ Secession is a treasonable act and is easier for those who participate in it to escape to a neighbouring state if the plot goes awry.⁵⁵ Location also affects an insurgent group's ability to get money outside its home base to resist government authority. The ability of rebel groups to get major funding from contraband such as opium, diamonds, or cocoa determines the duration of civil wars.⁵⁶ The considerable distance from Punt land and Somaliland to Mogadishu, where a weak provisional Federal Government has been battling insurgents, provided the impetus for the two renegade northeastern regions of Somalia to declare their autonomy.

The Need for Transition from OAU-AU

Given that it was a smooth sail for African territories to find ground after the exit of colonial masters, it was generally presumed by African elites that it will be much harder for individual states to address the underlying problems that accumulated over the years alone. The need for solidarity and cooperation was the core spirit behind the Pan-African movement. Its primary objective was (and is still is) mainly to end racial, social, economic and political

⁵³ *ibid.*

⁵⁴ L. Polgreen and A. Cowell, 'Mali Rebels Proclaim Independence State in the North' *New York Times* (New York, 6 April 2012) <<https://nytimes.com/2012/04/07/world/africa/mali-rebels-proclaim-independent-state-in-north.html>> accessed 15 September 2018.

⁵⁵ CR Nixon, 'Self Determination: The Nigeria/Biafra Case' (1972) 24(4) *World Politics* 473 – 497 <<https://books.google.com.ng/books?id=aviB-1Ngvd4C&pg=PA166&lpg=PA166&dq=nixon+cr+self+determination+the+nigeria/biafra+case&source>> accessed 15 September 2018.

⁵⁶ Francis (n 35). See also, SJ Steadman, 'Spoiler Problems in Peace Processes' (1977) 22(2) *International Security* 5-53 <<https://www.mitpressjournals.org/doi/10.1162/>> accessed 15 September 2018.

discrimination against people of African descent with the OAU as the premier body set up to achieve these goals—just as the theory of institutionalism posits.⁵⁷

In 1963, the Organization of African Unity was formed and, according to Haile Selassie, described as ‘a single institution to which we all belong, based on principles to which we all subscribe’.⁵⁸ It was agreed that African disputes would exclude any non-African involvement. These positions however were not as easy to uphold in practice.⁵⁹ There were three major internal conflicts that occurred within member states of the OAU: Congo,⁶⁰ the Civil War in Sudan⁶¹ and the Biafra Civil War of Nigeria.⁶² The OAU became reluctant to involve itself with internal affairs of its member states after the Congo crisis, more so following the stand of Sudan, stating it did not wish to have its matter put up on the agenda for discussion. During the Nigerian civil war, while the OAU was on the side of the federal government, four OAU member states (Cote d’Ivoire, Gabon, Zambia and Tanzania) supported and provided aid for Biafra. The position of these states in itself reflected the level of division amongst the states that were supposed to be working towards common unity and advancement.⁶³ Still highlighting the

⁵⁷ E Botei, ‘How can the African Union improve on its Function of being the “African Solution to African Problems” with Regard to Conflict Resolution?’ (2015) 4(4) *American International Journal of Social Science* 39 – 40

<https://www.aijssnet.com/journals/Vol_4_No_4_Au> accessed 15th September 2018.

⁵⁸ H Selassie, ‘Towards African Unity’ (2007) 1(3) *Journal of Modern African Studies* <<https://www.blackpast.org/1963-haile-selassie-towards-african-unity>> accessed 15 September 2018.

⁵⁹ *ibid.*

⁶⁰ United Nations., ‘Questions Relating to the Situations in the Republic of Congo’ S/4475 (30 August 1960) <<https://www.un.org/Depts/dhl/dag/docs/congo60.pdf>> accessed 15 September 2018.

⁶¹ S Poggio, *First Sudanese Civil War: Africans, Arabs, and Israelis in the Southern Sudan 1955-1972*, (Palgrave Macmillan, 2016) 166; D Johnson, *The Root Causes of Sudan’s Civil Wars: Peace Or Truce*, (Boydell & Brewer Limited 2011) 36 – 37.

⁶² WE Nafziger, ‘The Economic Impact of the Nigerian Civil War’ (1972) 10(2) *The Journal of Modern African Studies* <<https://www.jstor.org/stable/159964>> accessed 15 September 2018.

⁶³ J Okpaku, *Nigeria: Dilemma of Nationhood, An African Analysis of the Biafran Conflict* (Westport Greenwood 1972) 60-65
<https://books.google.com.ng/books/about/Nigeria_Dilemma_of_Nationhood.html?id=9SlzAAAAMAAJ&source=kp_book_description&redir_esc=y> accessed 15 September 2018.

irregularities of the OAU on the issue of non-interference, the Charter expressly states secession as a matter within the domestic jurisdiction of the member state, but on the other hand, it passed resolutions condemning the act. These double standards are further exemplified in the varying positions of the OAU in the liberation movements in Angola, Guinea-Bissau and Mozambique, where it supported the liberation ground, while in the case of Nigeria, South Sudan and Chad it supported the federal government.⁶⁴

Yet another prominent instance of the weakness of the OAU was allowing Idi Amin of Uganda serve his term as President of the Organization despite his wide spread activities of human rights violation within the country. According to Welch,⁶⁵ 'hear no evil, speak no evil, see no evil', best explained the views of most OAU member states. While a number of theorists have argued from various sociological views, none has been able to conclusively provide a wholesome explanation as to why supposed insurgent groups within African states wanted it secede. One reason, however, that stands out is the 'willingness of government in question to provide adequate safeguards for human and minority rights.' But those are social and economic issues which are outside the scope of this paper. Most exposing was the incapacity of the OAU to attend to the security needs of member states, who for the most part sought help from outside the continent-as was the case with Rhodesia and the Military troops, and Gabon and Central African Republic seeking aid from French troops. All these deficiencies highlighted the greater need for a reform in the Organization—one that will reconcile contradictions with desired results while still upholding the core norms of solidarity and unity and working towards communal development. Historically, the OAU's record indicates that the policy of non intervention was applied to the extreme. African nations oppressed their own people with impunity and did

⁶⁴ *ibid.*

⁶⁵ C Welch, 'The Organization of African Unity and the Promotion of Human Rights' (1991) 29(4) *Journal of Modern African Studies* 535-555
<<https://www.jstor.org/stable/161137>> 15 September 2018.

little or nothing to prevent massive human rights abuses in neighboring countries.⁶⁶

These setbacks set the stage for the transition from the OAU to the African Union (AU). The AU was created in 2001 and launched in 2002 after the OAU was dissolved. It currently comprises 54 member states, with the exception of Morocco, and has its headquarters in Addis Ababa, Ethiopia. The OAU was perceived as a 'club of African Heads of States, most of whom were not legitimately elected representatives of their citizens, but self-appointed or imposed dictators and oligarchs. It was viewed as an organization that had no genuine impact on the daily lives of Africans, a 'toothless talking shop' a 'silent observer' to the atrocities being committed by its member States.⁶⁷

Although, compared with the OAU, the AU has gone a step further in the area of non intervention, nonetheless the continental body has not totally divested itself from it totally. In 2005, for example, a military junta toppled the democratically-elected government of President Maaouya Ould Sid' Ahmed Taya of Mauritania. The whole world waited for reactions from the ECOWAS, the African Union, the European Union and the United Nations. This is so because all of the above listed bodies reacted instantly when a similar incident happened in Sao Tome, Guinea and Faure Gnassingbe's illegal government in Togo. It is quite understandable why ECOWAS could not react. Mauritania has ceased to be a member of the sub-regional body as from December 27, 2000. And since it is no longer a member there is nothing

⁶⁶ ICCR/FES., 'The African Union at Ten; Problems, Progress and Prospects', International Colloquium Report, 30-31 August 2012, Berlin, Germany 10 <<http://www.africaportal.org/publications/african-union-ten-problems-progress-and-prospects>> accessed 15 September 2018. The OAU's policy of non-intervention led to serious violations of human rights being ignored in "Biafra" (during the civil war in Nigeria from 1967 to 1970); Uganda (in particular under the rule of Idi Amin from 1971 to 1979, during which an estimated 300,000 people were killed); and Sudan (where civil war broke out again between the North and South in 1983 after a ten-year interval resulting eventually in over three million deaths).

⁶⁷ T Murithi, 'The African Union Evolving Role in Peace Operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia' 17(1) *Africa Security Review* 70-76

<<https://issafrica.s3.amazonaws.com/site/uploads/>> accessed 15 September 2018.

ECOWAS can do, either to suspend or place an embargo on it. But Mauritania is still a member of the African Union. It will be recalled that when a similar incident happened in Sao Tome, President Olusegun Obasanjo personally went to that country and made the military junta to resign.⁶⁸ The then Foreign Affairs Minister of Nigeria, Ambassador Olu Adeniji, said that the takeover in the country could be excused, reason being that there had been a lot of human rights abuses in that country. It is humbly submitted that this is not a cogent reason for a military coup to take place in Africa.⁶⁹

In the 1990s, Africa was bedeviled by conflicts, which accounted for more than forty percent of the conflicts around the world, the highest on any continent. From the year 2000 to 2014, twenty-two peacekeeping operations by the international community took place throughout the world. Out of these, thirteen (13) took place on African soil.⁷⁰

Some African leaders have stayed in power for more than fifteen (15) years, thereby becoming dictators, oppressing their own peoples leading to civil wars with the resultant effect of peacekeeping. Some examples are, President Teodor Obiang Nguema Mbasago of Equatorial Guinea since 1979, Jose Santos of Angola, since 1979, Robert Mugabe of Zimbabwe since 1980,⁷¹ Yoweri Museveni of Uganda since 1986. Others are Omar Bashir of Sudan since 1989, Pierre Nkurunziza of Burundi since 2005 and Idrissu Deby of Chad since 1990, whose fifth term in office just began.⁷²

⁶⁸ K Ologbondiyan, 'Africa: Lessons of Sao Tome Coup According to Obasanjo' *This Day* (Lagos, 6 August 2003) <<https://allafrica.com/stories/200308060923.html>> accessed 15 August 2018.

⁶⁹ JA Adeyeye, 'A Dog and its Bad Name' *The Punch* (Lagos, 7 September 2005) 15.

⁷⁰ List of Peacekeeping Operations 1948-2014

<un.org/en/peacekeeping/resources/statistics.factsheet.html> accessed 15 March 2016.

⁷¹ Note that President Robert Mugabe resigned from office on Tuesday 21 November 2017 after ruling the African country for about 37 years (Al Jazeera network, 21 November 2017).

⁷² KT Oropo, 'As Nkurunziza Joins the League of Africa's Sit-tight Leaders' *The Guardian* (Lagos, 10 May 2015) 1. See also O Babalola, 'No Retreat no Surrender for Mugabe at 93' *The Punch* (Lagos, 21 February 2017) 11. In the case of Angola, an election was just held in August 2017, that brought an end to President Jose Santos rule of thirty-eight years.

Added to this is President Yahya Jammeh of Gambia, who ruled this tiny West African country for 22 years and lost the election on 1st December 2016, initially conceding defeat but later changed his mind that he was not going to handover. It took the intervention of the Special West African Military Force, to eject him from Banjul Gambia and for the elected President, Adama Barrow, who was earlier on sworn in in nearby Senegal to assume office.⁷³ Much of African contemporary conflict is intra-state, exacerbated by ethnic and religious tension with generic economic and political underpinning, all as a result of bad governance. The growing interconnecting of the global arena also means that conflicts can have international as well domestic dimensions.⁷⁴

Civil unrest within sovereign states has had dire consequences for African region since decolonization. The laudable response of the African states, particularly in recent decades, has been a series of interventions and peacekeeping operations through the regional organization that is now formalized by treaty. At least in part, these actions fall under Chapter VIII of the United Nations Charter, which is dedicated to regional organizations to engage in peacekeeping and enforcement, but the text of this provision places this operation under the Security Council's authority.⁷⁵

No doubt, regional organizations were part of the UN system from its founding, but their more recent practice has significantly redefined their place in the UN framework. Is there any role for the regional organization in the maintenance of international peace and security and if so, how effective are they? This question has polarized the debate on the role and potential contribution of regional governmental collective security organizations in the

⁷³Nigerian Television Authority (Abuja, 21 January 2017). See also A Hanafi, 'Court Rejects Jammeh's Move to Stop President-elect's Inauguration' *The Punch* (Lagos, 17 January 2017) 10; O Jammeh Aluko, 'Nigerian, Senegalese, Troops Set to Storm Gambia' *The Punch* (Lagos, 19 January 2017) 11. On 18th January 2017, on news monitored on *Aljazeera Network*, AU in a press release said they will not recognize Jammeh as the Gambian President as from 20 January 2017.

⁷⁴O Onwuka, 'The ECOWAS Council of the Wise: An Indigenous Framework for Conflict Resolution' (2009) 2(1) *Africa Peace and Conflict Journal* 35-62.

⁷⁵S Paliwal, 'The Primacy of Regional Organization in International Peacekeeping: The African Example' (2010) 51(1) *Virginia Journal of International Law* 157-188.

maintenance of international peace and security in the post-cold war period. Some scholars argue that regional organizations play only a limited role and that even when they do so, it is often in pursuit of their political or strategic self-interests.⁷⁶

African States and Good Governance

Good Governance is an approach to government that is committed to creating a system founded on justice and peace that protects individual's human rights and civil liberties.⁷⁷ Rule of Law is exemplified by impartial legal system that protects the human rights and civil liberties of all citizens, particularly minorities.⁷⁸

Etymologically, both terms, good and governance, invoke a conception of both ethic and aesthetic of politics. Ethics or moral conception refers to good politics as opposed to the bad. Aesthetic conception or artistic, in the sense that the words "government" and "governance" have Greek origin, meaning rudder of a ship, or the steer of a ship. Thus, government is a mechanism or political complex embracing the entire organs of the state for control of the people. While governance is the process of politics, a ship is bound for far away horizons so that it can arrive safely without mishap. In the context of the state, governance is the act of governing the society, the art to direct the state to ensure good functioning for political institute and of the state organs for a harmonious societal development.

The quest for good governance started in the ancient philosophy in the writing of thinkers such as Plato, Aristotle, Saint Augustin, Saint Thomas, to mention but a few. From a moral distinction between good and bad, these thinkers tried to define and distinguish good government from bad government.⁷⁹ The city, the political society, is before everything a moral community. It is for the

⁷⁶ Alao, A., Mackinlay and F Olonisakin, *Peacekeepers, Politicians and Warlords: The Liberian Peace Process* (Tokyo and New York: United Nations University Press 1999) 24.

⁷⁷ Creative learning <<http://creativelearning.org/blog/2016/11/08/what-is-good-governance>> accessed 19 September 2018.

⁷⁸ *ibid.*

⁷⁹ Plato, Hippias Major Loeb Classical Library. Loeb Classical Library <https://www.loebclassics.com/view/plato_philosopher-greater_hippias/1926/pb_LCL167.335.xml> accessed 19 September 2018.

purpose of the happiness of mankind that the state was organized.⁸⁰ The objective and ideal conditions of good government and of corrupt political regime have been in reformist, and Utopian prism. The promotion of human rights that we consider today as one of the essential conditions of good governance goes far back to the ancient period. Plato and Aristotle, like Saint Thomas, considered social justice as one of the ends of ethics of politics.

The political realism of Machiavelli opened a new dimension in political thoughts, allowing for the discovering of the new sphere of good governance.⁸¹ Machiavellian conception of politics ensures a separation of politics from morals, and to replace the philosophical and moral class of good and bad with the sociological and political category of effectiveness or necessity. The art of command consists of the unity of cleverness, craft, political calculation, not only with wealth and virtue, but also with might (violence, physical force and legality or with the forces of law).

By associating the principle of efficiency with the principle of necessity, Machiavelli employs state reason as the motor force of good governance. The realistic political way for a prince who wants to protect his/her throne will have to use state rationale, especially in exceptional situations. The state reason is not necessarily the reason of might or the reason of efficiency and of necessity, (popular will) as Hobbes would put it, or of (public good) as the 1789 French revolutionaries would have put it or in the fashion of the military who take power by violence. The military junta who took over power in December 1999 in Cote d'Ivoire⁸² had constituted itself into a National Committee of Public Good (NCPG). So in the Machiavellian conception of politics, the prince can commit evil and injustice, invoking state reason such as the maintenance of political and social order. Good governance is thus dependent on general interest and state security.

⁸⁰*ibid*

⁸¹ Machiavelli <<https://www.quora.com/What-is-Machiavelli-view-at-governance>> accessed 19 September 2018.

⁸²BBC, African News, Cote d'Ivoire first coup <<http://news.bbc.co.uk/2/hi/africa/582403.stm>> accessed 19 September 2018.

However, since Machiavelli, the theories of the political necessity and the application of state reason have always engendered insurmountable dilemma. What happens in case of conflict between the personal interest of the prince and the general interest of the people? In empiric politics, a lot of violations have been done in the name of the state leading to tyranny and despotism. For Machiavelli, the problem is not legitimizing the political necessity and the rights of the state, but their institutionalization so as to minimize the individual and collective damage that could occur. It is in this sense that the theory of the state reason has to do with good governance to the extent that it calls for efficiency of political action and for the judicious arrangement of political institutions and state organs.

The anti-despotic measure proposed by Montesquieu in his theory of separation of powers and representative democracy avails us an exit out of this Machiavellian dilemma. Contrary to Machiavelli who addresses the prince, the individual sovereign, Montesquieu gives a pre-eminence to the collective sovereign, through the notions of people's sovereignty of separation of powers and of representative democracy, conceived as pillars of good governance.⁸³ To prevent the transformation of democracy into despotism or tyranny, one must prevent the concentration of the powers in the hands of just one man or only one state organ. The best way to prevent despotism or tyranny is the separation of powers and the distribution of efficiency, which can prevent political abuse and authoritative tendencies by power distribution of good government. Bad government allows the concentration of legislative, executive and judicial powers in one hand. Good government proceeds from political representation of the collective sovereign (of the people) via the electoral principle, which legitimizes power. Good governance inheres in organizing constitutional order of the power as well as ensuring separation of

⁸³ Montesquieu, *In the Spirit of the Law* (1748) <<https://www.google.com.ng/search?q=montesquieu+on+separation+of+power&oq=montesquieu+on+separation&aqs=chrome.1.69i57j0l3.18013j0j4&client=ms-android-a1-infinix&sourceid=chrome-mobile&ie=UTF-8>> accessed 19 September 2018.

powers and democratic election of people. It embodies the rational arrangement and the good functioning of political institutions and state organs.

The positive sociology of August Comte is defined as both a science and an art. The science of the society means the positive studies of the social organizations, studies of the genesis and of the running of social institutions. Political art means the science which permits the reorganization of society through the application of laws of consensus and social order. The planning of scientific work necessary for the reorganization of society was for August Comte, a manual of good governance. In his classification of sciences, each fundamental science comprises a theoretical part and a practical part. As medicine is the practical part of biology, politics is the practical part of sociology for August Comte.⁸⁴ But the reorganization of society will only result in its perfection when the morals constitute itself into autonomous science which is the positivist thinking of August Comte, corresponding to a practical art, the art of good governance, so to say.

Suggestions to Ending Crisis in Africa

Since independence of most African countries in the early sixties, it could rightly be said that the continent has come of age, but the rampaging of both intra-state and extra-state crises has bedeviled the continent. What African nations need mostly is good governance where the citizens will enjoy dividends of democracy at every stratum of the society. Unequals should not be treated equally while also equals should not be treated unequally. African leaders most of whom did not attain Millennium Development Goals (MDGs) should rather concentrate on achieving these goals.

Most African nations are still threatened by communicable diseases, malnutrition and in recent times Ebola disease virus has taken over HIV AIDS in the continent. African leaders should rather

⁸⁴ August Comte: *The Positive Philosophy of August Comte* <https://books.google.com.ng/book/about/the_Positiv_Philosophy_of_August_Comte.html?id=44L_ati0ZU4C&printsec=frontcover&source=kp_read_button&redir_e se=y> accessed 19 September 2018.

co-operate with one another in fighting these diseases instead of intra-state border conflicts. The African Peer Review Mechanism (APRM) should be concretized for good governance among the African nations instead of protracted battles/wars over borders.

In addition, the fight against corruption should be intensified among African nations. On this, the assistance of Non-Governmental Organizations (NGO) cannot be over emphasized. Governmental spending must be monitored and where there is embezzlement of funds the concerned officers must be investigated and prosecuted.

Added to this is the fact that every regime in Africa must keep to its term limits. There should no longer be sit-tight-leaders in Africa. International organizations for example, ECOWAS, AU, EU and the UN should automatically suspend any country that elongates the term of office outside the prescribed constitutional provision. In fact, embargo on travels and withdrawal of aids should automatically be placed on such countries. Agitations for succession should be thoroughly looked into with a view to solving the immediate and remote causes of same.

Conclusion

In this article, various border crises and conflicts in Africa have been analyzed. From the findings, European partition of the African continent is the root of these crises. The leaders of various African countries have not also helped with good governance. As at now, secession is still rampant among the minority groups in most African countries. The government of such countries should carefully attend to the reasons for the persistent agitations from these minority groups. Africa should no longer be the problem continent of the world.