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Panel of the Wise and the Future of Conflict Resolution in Africa

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INTRODUCTION

The transition of the African continental body from the OAU to AU seems to have ushered in a new way of re-thinking the African situation, particularly the myriad of challenges confronting it, one of which, undoubtedly, is security. Indeed, for a long time, one major challenge confronting the African states has been the lack of effective mechanism to manage the spate of dysfunctional and protracted socio-political conflicts prevailing on the continent.[1] Recognising the need to develop African capacity to respond to the security challenges plaguing the continent therefore, the newly emerging African Union put in place the Peace and Security Council (PSC) as a critical institutional mechanism to spearhead its role in the prevention, management and resolution of conflicts across the continent.[2] What seems the master plan of the PSC in meeting its *raison d'être* of a peaceful Africa is codified in what is referred to as the African Peace and Security Architecture (APSA). In essence, therefore, the putting in place of the Peace and Security Architecture represents, in a fundamental way, the re-engaging of the African security condition.

But the problem with Africa is not a dearth of initiative to address the myriad of conflict assailing it; for there exists, in the history of the continent, a plethora of initiatives for conflict management. As catalogued by Abdul Mohammed, Paulos Tesfagiorgis and Alex de Waal, such attempts include grassroots peace-building efforts such as the 'People to People' reconciliation process in Southern Sudan and numerous peace education workshops; specific programmes to curtail the trade in small arms and prevent 'blood diamonds' from reaching the market; special peace initiatives such as the Burundi peace process, and sub-regional country-specific efforts such as the IGAD Sudan Peace Secretariat, and the Ethio-Eritrean peace agreement; sub-regional mechanisms to monitor indicators of insecurity; the OAU's

Conflict Management Centre and the CSSDCA, and international efforts such as the African Crisis Response Initiative; a number of military interventions and peacekeeping forces, such as those in Sierra Leone and DRC; several livelihoods initiatives to rehabilitate war affected communities; efforts to demobilise child soldiers, and World Bank-sponsored post-conflict reconstruction programmes.[3]

The argument in the foregoing is that the Peace and Security Architecture of the African Union was not the first attempt at rescuing the continent from the vicious grip of violence. What then makes this new arrangement different? Perhaps, the answer lies in two fundamental reasons: the first is that the APSA represents a theoretical blueprint for how to move Africa from its current state in which armed conflict is widespread, to a condition of prevailing peace and security; for the previous attempts have been operating without a theoretical foundation.[4] The second reason is the institutional pillars upon which the APSA is erected, which are basically five: the Peace and Security Council (PSC), Panel of the Wise, the Continental Early Warning System (CEWS), African Standby Force (ASF) and a Special Peace Fund.

Of the five pillars, this study focuses on one – the Panel of the Wise – for close analysis. It seeks to examine the relevance, philosophical underpinning, prospects and problems of its operation as a peace and conflict resolution mechanism.

THE PANEL OF THE WISE

The Panel of the Wise is one of the critical pillars of the Peace and Security Architecture of the African Union. Article 11 (1) of the protocol establishing the PSC sets up a five-person panel of highly respected African personalities from various segments of society who have made outstanding contributions to the cause of peace, security and development on the continent with a task to support the efforts of PSC and those of the chairperson of the Commission, particularly in the area of conflict prevention. Article 11 (2) gave the chairperson the express permission to appoint the members in accordance with the general guidelines enunciated in Article (1) in the following words:

> The Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made [an] outstanding contribution to the cause of peace, security and development on the continent. They shall be selected by the Chairperson of the Commission after consultation with the Member States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years.

Specifically, modalities setting up the body were adopted by the Peace and Security Council at its 100th meeting held on 12th December 2007. The Panel was then inaugurated on 18th December 2007, with four main tasks: Conflict Prevention or Preventive Diplomacy (The Panel is charged with opening channels of communication that would prevent disputes from escalating into conflict); Early warnings (The Panel carries out fact finding missions where there is a danger of conflict either breaking out or seriously escalating); Conflict Resolution (The Panel encourages conflicting parties or belligerents to the negotiating table); Conflict Settlement (The Panel enhances the implementation of Peace Agreements). The Panel of the Wise, thus was established with the mandate to support the AU particularly as regards conflict prevention.

By January 2007, the chairperson exercised his power by selecting the following five personalities as the pioneer members of the panel, and so recommended their appointment to the General Assembly. They were:

- Brigalia Bam, former general secretary of the South African Council of Churches and current chairperson of the Independent Electoral Commission of South Africa (representing the Southern Africa region)
- Ahmed Ben Bella, former president of Algeria (representing the North Africa region)
- Elisabeth Pognon, former president of the Constitutional Court of Benin (representing the West Africa region)
- Miguel Trovoada, former prime minister and president of São Tomé & Príncipe (representing the Central Africa region)
- Salim Ahmed Salim, former secretary-general of the OAU and former AU special envoy and chief mediator for the inter-Sudanese political talks on Darfur (representing the East Africa region).

CULTURAL UNDERPINNINGS

It must be emphasised that the establishment of the Panel of the Wise was never a case of happenstance. Rather, it was a deliberate creation whose philosophical underpinning derives strategically from African culture. In African culture, old age is synonymous with wisdom; making the aged to be seen as wise. In the analysis of George Ngwane:

> The concept of 'Wise' in the traditional African point of view is linked to how age and experience relate to the ingredients of wisdom and counselling. Equipped with foresight, moral authority, respect, self-discipline and moderation, wise

connotes a high sense of maturity often attributed to the elderly and a high flavour of human glue needed to bond conflicting parties.[5]

Essentially, Africa places high value on age. In the analysis of Edoho, age is regarded as the fountain of wisdom, because it requires thoughtfulness and deliberation, which all have to do with experience, time and patience, and a high level of maturity.[6] To Wiredu, age is simply the 'vital criterion for wisdom'.[7] To survive to old age is often considered an accomplishment reflecting personal strength, resourcefulness, faith and the grace of God. It is in this regard that old age is accorded great respect in Africa. Elders are respected, obeyed and considered a source of wisdom. Africa, both in historical and contemporary practices, still values the elders, particularly for their experiences and wisdom, and this has been employed as conflict management mechanisms across time and space.

In a study by Mohammed Adan and Ruto Pkalya on traditional conflict resolution mechanisms as practised by the Pokot, Turkana, Samburu and Marakwet pastoralists and agro-pastoralists communities in Kenya, the researchers brought to the fore the central importance of the communities' elders in conflict management. According to the report, the elders in the three communities form a dominant component of the customary mechanisms of conflict management. The elders command authority that makes them effective in maintaining peaceful relationships and a community way of life. The authority held by the elders is derived from their position in society.[8]

Amongst the Kidepo communities of the Kidepo valley in Eastern Equatorial, Ofuho in his paper to the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation which was held from the 8th until the 12th of November 1999 in Addis Ababa, Ethiopia, highlights the role of the elders in conflict management. According to him, Kidepo is a big forest that starts from Karenga Hills in the north-east of the border with Uganda and extends deep into South Sudan. To resolve conflict, the elders may resort to use of a curse to deter the young mojirimots from continuous raids. The curse of elders is believed to lead to mysterious death. The words of elders are bitter and those who have caused trouble often vanish from the society.[9]

The Kpelle people of Liberia of West Africa are known for their ad hoc local meetings called 'moots' or 'house palavers', where the conflicting parties arrive at mediated settlements through the use of experienced African elders.[10]

According to Bob-Manuel, among the Ndendeuli of Tanzania mediators, spearheaded by elders, play active roles in conflict solving by suggesting an agreement and can get as far as pressurising the parties into accepting it.[11]

In traditional Somalia, there is the Gurti system of conflict resolution, which is basically a concert of clan leaders. It is made up of some lower

levels of traditional elders who are appointed in the local low-level clan council where most adult males participate. Stig Hansen reports that many of them have appointed themselves by making popular suggestions in the local council or by taking popular initiatives. Such elders are expected to be above board and might lose their role if their performance is perceived to be unsatisfactory by their 'electorate'. The clan system played, and still plays, a peace and reconciliation function in large meetings of clan elders (*Gurti*) who officiate as mediators between feuding clans or families. The clan elders come together and reach solutions through negotiations aimed at consensus.[12]

Brock-Utne reports that the Acholi people of Northern Uganda believe in leadership through consensus, allowing everyone in their localised clans to have a voice while the traditional head and elders of each clan rules by consent. According to him, a major function of the traditional chiefs and elders in the communities is to act as arbitrators and reconcilers when disputes occur in order to restore peace and maintain harmonious relations between families and clans.[13]

Chris Chapman and Alexander Kagaha also identified the role of elders in conflict resolution amongst the communities of Teso and Karamojog regions of Uganda. According to them, before the advent of contemporary conflict resolution mechanisms, pastoralist communities developed and refined, over time, their own mechanisms for resolving local level disputes, both within their communities and with others. These were based on solid traditional institutions such as mediation through a Council of Elders. These institutions were respected by community members and hence those affected generally complied with decisions, including punishment of offenders and compensation.[14] In their analysis, they argued that both communities have a system of regulation of community rules led by a council of elders; in Karamoja, the Akiriket, and among the Iteso, the Arriget. This is a community governance mechanism used in a wide variety of contexts; it is, for example, traditionally used when major changes occur in the community or important decisions need to be taken, such as when an elder dies, a new member to the group is initiated, or at times of crisis involving grazing, disease or war. It is also used to discipline and sanction those who break community laws. It can be considered a form of conflict regulation, because it aims to ensure that tensions do not arise within the community due to members failing to respect rules – which, given the remoteness of the communities and the difficulty of gaining access to formal justice mechanisms – has the potential to cause serious outbreaks of violence.

In Ghana, there is the Abrewa/'Old Lady Model' of conflict resolution. The concept views the old lady as a custodian of wisdom which is crucial, and is often consulted in the time of crises. Thus, in the face of dispute

that is proving too difficult to settle, the old lady is consulted by a team of arbitrators, who often abide by the suggestions offered by the old woman.[15]

Using the Yoruba traditional system as a case study, Lawrence Bamikole identified the role of elderly intervention in conflict resolution by interrogating the concept of *agba.* To him, the concept of agba (elders) is a Yoruba socio-political model for conflict resolution, and it is the third party that is responsible for effective conflict resolution in indigenous Yoruba societies. In traditional Yoruba culture, *agba* were usually relied upon as arbitrators and agents of conflict resolution in view of certain qualities possessed by this category of human beings. *Agba* are respected individuals identified by age and other qualities, which mark them out in their families, communities, nations, regions and the world. To be identified as an agba, s/he must be a fearless person (*alakikanju*); s/he must be knowledgeable and wise but must be someone who gives room for criticisms (*ologbon, oloye, afimo ti elomiran se*); s/he must be tolerant (*alamumora*); s/he must be upright in all ways (*olotito, olododo*); s/he must not be selfish (*anikanjopon*).[16] A combination of these attributes puts the elder on higher moral ground to mediate in a conflict and achieve a favourable outcome. In most cases, the elders have the final say because their pronouncements are respected and, thus, become binding.

The foregoing scenario is the philosophy upon which the Panel was founded. Perhaps the next question is to ask whether the Panel possesses the qualities and attributes contained in the foregoing samples. Perhaps such a question would have to be examined in the context of the nature and type of contemporary conflict regime on the African continent.

AFRICAN CONFLICT: TYPOLOGY AND CAUSALITY

The how, manner and extent of involvement of the Panel in conflict resolution would probably depend on the nature of conflict they are faced with. It then becomes important to know the types as well as the causality of conflict in Africa. In analysing types of conflict, there are six areas to focus on: complexity, duration, scale, violence level, legitimacy[17] and pattern. In terms of the first, we have to look at the depth and inter-connectedness of the conflict for, as argued by Nwagiru,[18] there are simple and complex types of conflicts in Africa, with the latter taking the lead.[19]

In respect of duration, some conflicts are short-lived while some are prolonged or protracted. Unfortunately, it is becoming clearer that most African conflicts are becoming protracted. Examples of short-lived conflicts will include the Nigerian civil war, the crisis between Nigeria and Cameroon over Bakassi Peninsular, the Rift Valley Conflict in Kenya in 1991-1992[20];

while the protracted conflicts will embrace samples like the Liberian civil war that lasted for over a decade, the Saharawi crises, the Tuareg insurrection in Northern Mali, the Sudanese crises and the age-long Somalia imbroglio. In Uganda, the armed rebellion took five years (1981-1986) and the Angolan and Mozambique civil wars lasted several decades and covered most of the countryside.[21]

In terms of scale, conflicts could be low-scale or large scale. Low scale would range from mere squabbles of domestic issues or to issues like land disputes between or amongst communities or inter-tribal attritions. In such cases, weapons of war could range from crude implements to light weapons. Low-scale conflicts, if not promptly attended to, could lead to large scale. Large-scale conflicts would be measured by the use of heavy weapons and the extent of the conflicts. There is prevalence of the two on the continent.

In explaining the necessity or legitimacy of conflicts, the fifth type, Mpagala, borrowing from Sekou Toure, argues that some conflicts are regarded as necessary and legitimate, others are unnecessary and illegitimate. While the former is mainly altruistic and concerned with struggles for liberation from an oppressive and exploitative regime, the latter is anchored on selfishness; mostly based either on competition for political power and economic resources, or, in several situations perpetrated by those in power to suppress the people or certain sections of the people in order to perpetuate their position of power for the advancement of their personal interests. Illegitimate conflicts are often characterised by divisive ideologies of ethnicity, racialism, regionalism and religious antagonism.[22] After the end of the liberation struggles of the 1960's and 1970's, what remains in Africa is often a preponderance of conflicts that will fall under the unnecessary and illegitimate type.

In respect of the sixth type, conflicts could be internal, inter-state and internationalised. In the writings of Mpagala, purely internal conflicts are said to be few in Africa. There have been a good number of inter-state conflicts such as wars between Tanzania and Uganda in 1978/1979, Ethiopia and Somalia, and Ethiopia and Eritrea. Internationalised conflicts are the most common. These are conflicts, which in one way or another have involved other countries or affected neighbouring countries, such as the influx of refugees and their implications. Given this conception, most conflicts in Africa have been or are internationalised conflicts.[23]

In relation to causality, studies have identified economic, political, ethnic, ideological, resources, and religious forces as major culprits[24] and in the contention of Mpagala, economic reasons, followed by political causes, have the highest ranking; while resources and ethnicity are ranked third and fourth respectively, and ideological and religious factors have the lowest ranking.

From the foregoing, two facts come to bold relief. The first is the changing contour of conflicts, and the second is the ubiquity of conflicts on the continent. At the first level, we see a trend away from the old order of conflict regime. The contemporary Africa has witnessed a sharp rise in sophisticated warfare with the deployment of weapons of mass murder, aided by external forces. At the second level is the preponderance of conflicts in virtually all regions of Africa. Since there is a major shift in the nature of conflict in Africa, to what extent can we rely on the Panel of the wise to employ old traditional techniques to these modern nuances? Put differently, can we still resort to the old style to confront the new problem? This shall be analysed in what follows.

THE PANEL OF THE WISE AND CONTEMPORARY CONFLICTS RESOLUTION

Conflicts in Africa, as argued heretofore, are becoming complex, intense, protracted, large scale, illegitimate and internationalised, very different from the halcyon days of old. Yet, the fact remains that within the corpus of the old style lies the principles underlying the modern strategies such as round table negotiations, dialogue, mediation, arbitration, emissary and compromise. The basic ingredients of modern ways of conflict resolution have been derived largely from the old. The activities of the Panel have shown a remarkable adoption of the time-tested strategy.

Having existed for barely five years, the Panel has been able to record some modest achievements. In the first instance, it has crafted a vision based on Annual Thematic Reflections. In 2008, its theme was election-related conflict. Coming on the heels of the Kenyan election crisis in 2008, the Panel was obliged to consider this early warning factor by organising an international workshop with a cross section of the civil society and state actors in Africa in November 2008 in Nairobi, Kenya. This was a clear recognition of the role 'pre-election management rather than post-election fire-fighting measures' can play in the Panel's mission of early warning signals.[25]

It should be recalled that the Panel of the Wise of the African Union initiated a thematic reflection on 'Women and Children in Armed Conflicts' during its seventh meeting held in Addis Ababa, Ethiopia, in November 2009. Through this initiative, the Panel reaffirmed its own commitment, and that of the AU as a whole, to contribute to alleviating the plight of women and children in armed conflict in Africa. In order to implement this decision, the AU Peace and Security Department, on behalf of the Panel of the Wise, commissioned FAS and the International Peace Institute (IPI) to carry out a study and produce a report on mitigating vulnerabilities of women and children in armed conflicts in Africa.

In addition, the Panel undertook fact-finding missions to several African countries for the purpose of mediation.[26] It also issued several releases on the situation in Somalia. In essence, the Panel has been quite active in pursuing its mandate. However, its achievements have been rather modest. A number of factors are responsible for this, which shall be discussed in what follows.

THE LIMITATIONS OF THE PANEL OF THE WISE IN CONFLICT RESOLUTION

Lofty and African-rooted as the philosophy behind the Panel of the Wise is, its efficacy is however limited by a number of fundamental challenges. In the first instance, the philosophy is based on the idea of a glorious African past; one that is egalitarian, peaceful and orderly. African Scholars such as Mamdani[27] Lewis[28] and Mama[29] have shown clearly that such a past was nothing but a utopia that never existed exactly as painted. Indeed, it has become fairly common knowledge that the African past was full of rights abuses, dictatorship and conflicts, in which the elders played major roles. Stories abound of dictatorial excesses of ancient kings and chiefs in the various empires and kingdoms. In a way, therefore, an argument for a total return to the past is fraught with shortcomings.

In the second instance, the Panel is based on the idea that old men are the real engine of change in Africa. This is also highly contestable. Both historical and contemporary evidence shows that the African youths are the real engine of change and liberators on the continent. While historical examples show that Chaka Zulu recorded his military fame in his prime years, Mai Idris Alooma, Mansa Kanka Musa of the old Songhai and Mali empires attained their fame in their youth. The contemporary examples also show young upstarts such as Thomas Sankara at 34 becoming the liberator of his country; Tom Mboya at 30 becoming an influential trade unionist and a real motivator of Kenyan independence; Kwame Nkrumah at 48 attaining not only the leadership of his country but also becoming a continental mover; Patrice Lumumba at 35 was a phenomenon; Nelson Mandela's fame as an icon and anti-apartheid crusader started when he was just 34. Ditto for Steve Biko, who became an influential Black Consciousness leader at just 22 years of age.[30] Also, Yakubu Gowon of Nigeria became a Head of State at 28 and went on to successfully prosecute a civil war and implemented an unprecedented policy of reconciliation after. Again, where the elders proved unable and collaborating, the youths have been known to take the bull by the horns as we see in the revolution that swept off dictatorial regimes in Tunisia, Egypt and Libya.

Also, the idea of the Panel of the Wise was anchored on the assumption that old age is a harbinger of wisdom. This may not be the case all the

times. Evidence shows several African political personalities displaying much idiocy when they advance in age. Examples include Robert Mugabe of Zimbabwe, Kwame Nkrumah of Ghana who, in spite of revolutionary tendencies in his youth, displayed dictatorial behaviour as President of Ghana, Eyadema of Togo, Mubarak of Egypt, Muammar Gaddafi of Libya, Arap Moi of Kenya, Kamuzu Banda of Malawi, Omar Bongo of Gabon and several others. It is in the line of this that the Yoruba saying of *'Agba Iya'* (bad leaders) comes into relevance. The argument here is that there are several bad leaders in society, who despite their old age, have been known to contribute to societal problems.

In another dimension, the assumption of the Panel of the Wise on the use of moral persuasion may prove difficult in the face of the changing nature of conflict in Africa. As argued above, most of the prevalent conflicts in Africa are complex. The question then is: how do you intervene by personal contact? A good example here is the Boko Haram insurgency in Nigeria, where the perpetrators are faceless and seem anonymous.

Generally, the issue of the Panel of the Wise opens the debate, once again, on the relevance or otherwise of African traditional institutions in managing contemporary African problems. There are two opposing perspectives. The first, described by Gyeke[31] as 'cultural revivalism', locates African contending problems and the inability to solve them in the abandonment of the rich African culture by Africans as a result of colonialism. To this group, therefore, only a rejuvenation of the African cultural past, which will result in total independence of the souls and minds of Africans from the colonial/Western influence, will save Africa from the myriads of problems confronting it.[32] The contrary view, the modernisation perspective, sees the real tragedy of Africa in the 'culture trap'. To this perspective, recourse to the African distant past is not only retrogressive but also very dangerous to the development aspirations of the continent.[33] Proponents of this perspective, a noted one of which is Pauline Hountundji, strongly belief that only a clean break from the past will help the continent surmount the mountain of contemporary problems facing it.[34] The basic argument here is that for progress to be achieved and problems solved, the only way Africa should be focusing is forward, and never to any distant past that was never glorious in the first instance. The perspective is premised on the notion that modernisation is concomitant to progress and as such, an ideal to pursue.[35]

Perhaps, the basic question to ask then is which of the debates should be upheld by Africans? Do we hold on fast to the rope of culture, or throw it away as suggested by scholars like Hountondji, who strongly hold the belief that African culture is totally irrelevant to development? The best way to approach this conundrum is perhaps to borrow from the idea of Ciafa, who advocates a marriage of the two perspectives. According to him,

while there are several aspects of the African past that are repugnant to modern advancement, there are certain aspects that can be adopted and modified. Scholars like Amatya Sen have proved beyond reasonable doubt the imperative of culture in development. Also, when researches have located the catalysts for development in Asia in the cultural underpinning of the society, we cannot shy away from the positive role African culture can play in its march to development.[36] The task then is to look at some of these aspects and develop them. To discard African culture as suggested by the modernisation perspective in development and problem-solving discourse is to throw away the baby with the bathwater. In the same vein, to hold the belief of total return to the past is not only wishful thinking, it is equally retrogressive. The African past is not totally as egalitarian as often painted.

MAKING THE PANEL WORK: CONCLUDING REMARKS

In this paper, we have been able to establish the rationale for the establishment of the Panel of the Wise. It has been proven that respect for the old and aged formed part of African culture, which has been employed for conflict resolution in African traditional societies. However, the debate on the relevance of the African past has continued to dominate scholarly discourse. The discourse has been engaged in this paper and the position taken is that some aspects of the African past can still be modified and adapted to contemporary situations. One of them is the Panel of the Wise; in spite of the challenges highlighted above, the body can still be made a veritable tool for conflict resolution on the continent. However, for the Panel of the Wise to function optimally, there is the need to put some things in place. One of the ways to make the Panel relevant and fulfil its mandate is the regionalisation of the idea of the Council of Elders. It is important to know that the continent of Africa is too big for a five-man panel, given the ubiquity of conflicts on the continent. In essence, each region in Africa should have a Council of Elders that will mediate at the regional level, while the continental Panel of the Wise will serve as the overall mediator; that is, the regional council will serve as the immediate mediator before the Panel gets involved. This has been started by the ECOWAS body, from which the idea of the Panel of the Wise was copied.[37]

In addition, the composition of the Panel must continue to reflect the founding philosophy: credible elderly Africans with track records of service to humanity. This becomes important given the fact that elderly intervention as practised in traditional African society was based on credible leadership and service to the community. It is on this that the Panel of the Wise holds the potential for acting as a catalyst for conflict resolution in Africa.

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