II. L'illusion du découpage

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The Politics of Frozen State Borders in Postcolonial Africa

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The struggle for African independence was both a fight for sovereignty and a process of map-making. What was meant by sovereignty, after decades of colonial rule, seemed evident. There was no unanimity, however, concerning the territorial dimension of independence. The administrative territories that were established by the outgoing colonial powers had, more often than not, proved in contradiction with pre-existing African polities. A fundamental question thus was: what would or should be the real boundaries of the new African sovereign state?

Meeting in May 1963 in Addis Ababa, Ethiopia, to create a Pan-African organization — the Organization of African Unity — the new leaders of independent Africa decided to freeze the question of boundaries. After a tense debate, the OAU founding fathers used a subtle legal trick to get out of the territorial quagmire that threatened to tear the African community apart. The issue of borders would be considered as a given, and was not to be subject to discussion. Accordingly, the Charter that was adopted in Addis Ababa demanded 'respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence' (Article III, paragraph 3).

This nascent doctrine was confirmed at the next OAU meeting, the following year in Cairo. On that occasion, the Assembly of Heads of State and Government adopted a Resolution on Border Disputes Among African States in which they 'solemnly reaffirm[ed] the strict respect of the principles laid down in Article III paragraph 3' of the Addis Charter and 'pledge[d] themselves to respect the frontiers existing on their achievement of national independence'.

A new body, the African Union, has now replaced the OAU. Its Constitutive Act, adopted the 11 July 2000 in Lome, Togo, abrogated and replaced the OAU Charter but reaffirmed once again the 'principles and objectives stated in the Charter of the Organization of African Unity'. One such objective remains to 'defend the sovereignty, territorial integrity and independence of its Member States' (Article 3, paragraph b). And this remains to be done in accordance with the principle of 'respect of borders existing on achievement of independence' (Article 4, paragraph b).

For 'territorial integrity' to be fully respected, one needs to know, first and foremost and as clearly as possible, of what territory and what borders one is talking about. The delineation as well as the demarcation of the borders in question have to be legally as obvious as possible for all (Brownlie 1999:125-67). That was not the case in 1963, and it is still not the case now, as we will see in the following pages.

This chapter is a pragmatic investigation into the freezing of boundaries 'from above'. Our analysis evolves around three fundamental concerns: the circumstances under which the OAU decided to freeze state boundaries, the collective challenges that this decision was supposed to take up, and its actual effects and consequences. The study is based on the assumption that in a system of sovereign states, a working politics of state boundaries is one that fulfils the condition of territorial optimality. By territorial optimality, we mean the maximum effective control of state boundaries (by competent state institutions) that is compatible with the minimum long-term national and regional instability. We consider territorial optimality, or the optimum of a state's territory, to rest on four pillars. Two of these are oriented inwards, namely, law and order (enforcement). The other two, national security and regional stability (enhancement), are oriented outwards.

What happens, then, to a territorial system of sovereign states in which members are not fully in control of their respective official boundaries, so that they can effectively enforce law and order within their national borders[1] and enhance national security and regional stability outside? And what are the consequences, within and among states, for a territorial system in which the official discourse on boundaries is at odds with the disruptive effects of trans-border dynamics?

No Border is Natural

State borders have been the subject of a heated debate for the last forty years, a nostalgist wing facing an accommodationist one. For those we term nostalgists, the freezing of colonial boundaries was a myopic and devastating policy that did not prevent territorial claims and violence escalation. Among other notorious voices in this category, there is Edem Kodjo — a former Secretary General of

the OAU — who fulminates that 'instead of curing Africa, a continent sick of its colonial territorial heritage', the OAU preferred to 'dive into the legitimization' of colonial and 'artificial' borders (Kodjo 1988).

Accommodationists, on the other hand, argue that the decision to freeze state boundaries was an act of courage and wisdom that has preserved Africa from the scourge of endless territorial claims and counter-claims. At the meeting establishing the OAU in Addis Ababa, President Modibo Keita of Mali declared:

> We must take Africa as it is, and we must renounce territorial claims, if we do not wish to introduce what might be called black imperialism in Africa [...]. Against this, African unity demands of each one of us complete respect for the legacy that we have received from the colonial system, that is to say: maintenance of the present frontiers of our respective states [...]. It has been affirmed [...] that the colonial system divided Africa; that is true in one sense, but it may also be said that the colonial system permitted nations to be born.[2]

At the same conference and in the same vein, President Philibert Tsiranana of Madagascar added:

> It 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] criteria for setting our boundaries, a few States in Africa would be blotted out from the map. Leaving demagogy aside, it is not conceivable that one of our individual States would readily consent to be among the victims, for the sake of Unity.

A year later in Cairo, Sourou-Migan Apithy praised 'the wisdom of African Heads of State' who were 'wise in recommending to keep borders as definitive as we inherited them at the time of independence'. Otherwise, said the then president of the Republic of Dahomey, the great 'tidal wave of territorial claims would dive our continent in an apocalyptic chaos, which would sweep away our Organization like a straw in the wind'.[3]

This argument for frozen boundaries did not prove enough to soothe contrary sentiments. Now forty years into independence, sentiments remain strong that the 'artificiality' of boundaries 'drawn haphazardly during the scramble for Africa' is one of the main causes of violent conflict in Africa and that the OAU (now AU) policy of frozen state borders is nothing but a pervasive 'political map drawn in Berlin regardless of the unity of African people' (Herbst 2000:266; Kodjo 1988:3). Sentiments, however, are only emotional judgements.

Wondering whether sentiments are 'right' or 'wrong' changes nothing in the current political geography of Africa. Many conventional questions in the border debate are equally futile. Were African leaders 'wise' or 'foolish', for instance, when they adopted the OAU Charter? Or, are African borders 'good' or

'bad'? Controversies around these questions add nothing to the understanding of our current situation. The same is true for a good part of the consequent literature on African 'artificial' borders drawn by colonial powers with no consideration for local realities, notably ethnic and linguistic ones. The emotional approach that condemns African boundaries *because they are artificial* does not make sense in a world system of territorial states, where the borders of every sovereign entity are man-made and therefore arbitrary.

In this study, we do admit that territorial claims emerge as a key factor (among many others) of violent conflict in Africa. However, we choose not to establish an explanatory link between the tendency of state borders to generate conflict and violence on the one hand, and, on the other hand, the 'artificial' nature of these borders. Such a linkage is in itself an artificial one and could not be a sufficient explanation of what really matters.

Professor Gaston Bouthoul, one of the best conflict analysts of the last century, insists on the fact that every state border, all over the world, results from a *rapport de force*. 'All territorial borders were drawn by war', he emphasizes, meaning that none of them is 'natural' (Bouthoul 1991:19). The only difference is that some borders are negotiated anew when peace and stability are back, and others are not — which is the case of most African borders. Experts dealing with the scientific analysis of the nature and meaning of state borders notice that a 'good border' can only be a 'dead border' (Foucher 1991:42).

> The commonly accepted notions of 'artificial' or 'natural' borders impede the understanding of geopolitical phenomena [...]. It is not from the standpoint of its large-scale characteristics that one can tell what the 'quality' of a border is [...] but in function of the relationships existing among contiguous political entities. In reality, there is no absolutely good border [...]. What we have on the ground are real borders, which, in a given time in history, are either symmetrically recognized as legitimate, or present more political, strategic, economic advantages for some than for others (ibid.:42-43).

The sentiment that the borders of African states are 'arbitrary' mainly generates from the fact that African peoples were partitioned by remote imperialist deciders (Hertslet 1895; Katzenellenbogen 1996). But again, this is not specific to Africa. Less than 2 per cent of the European borders that were drawn in the 20th century, for instance, come from a plebiscite (Foucher 1991:43). On whatever continent, borderline peoples are scarcely ever consulted in the process of border tracing (Boggs 1940). However:

> An arbitrary method of delineation [...] does not necessarily lead to arbitrary borders, that is, to borders that have no meaning. The remaining question is to elucidate the reasons why specific tracings are selected, when other, alternative tracings could be selected under the same circumstances [...]. All borders have a substantial part of arbitrariness and artificiality. They must not be compared to

an idealistic tracing — idealistic for whom? — but considered to be what they are: dated geopolitical constructions, or time engraved in space (Foucher 1991:43).

A major postulate of this chapter is that all borders are artificial. In the realm of sovereign states, no expression of homeland is 'natural'. Even when state borders are physically materialized by natural elements like a river or a mountain, the process through which these natural elements are endowed with a political meaning and legal reality is man-made. Hence, we simply take note that territorial status quo was an option that decision-makers deemed to be appropriate and compatible with sustainable peace, security and stability within and among African states.

A Policy and its Context

Why, and how, did the OAU founding fathers decide to maintain the sovereign states of independent Africa within colonial borders? What were their expectations and objectives? How 'consensual' was the nascent doctrine of frozen boundaries? A clear image of the international picture in the background of the Addis Ababa meeting will help to have a better understanding of the circumstances that influenced, oriented and finally determined the choice that was then made.

Africa in the Cold War Maelstrom

The intensification of the African liberation struggle, after World War II, coincided with the division of the world into two ideological blocs, East and West, confronting each other under the respective leadership of the Soviet Union and the United States. The dawn of African independence emerged as the bipolarization of the international system was transforming the post-1945 world into a manichean universe, in which one had to become an actual or a potential friend or foe for each of the two hegemonic blocs (Aron 1984; Gaddis 1998; Gilbert 1999). Between 1958 and 1962, at the very moment the first African states were conquering their independence back, there was a great escalation in the Cold War tension. To mention but just some of the most well known crises that shook the world then:

- In May 1960 the U2 crisis occurred, in which 'an American U2 spy plane was shot down over the Soviet Union' (Kissinger 1994:582). The pilot Francis Gary Powers was captured, made prisoner by Soviet authorities and sentenced to ten years' imprisonment for espionage (Gaddis 1998:244-48; Gilbert 1999:235).

- In April 1961, the Kennedy administration ventured to land a force of Cuban exiles, trained by the Central Intelligence Agency (CIA), at the Bay of Pigs in southern Cuba. The invasion aimed to spur a general anti-Castro uprising and thus to remove a 'bastion for communist influence' from the Caribbean (Evans 1998:46-48; Blum 1986:206-16). Its failure only brought the global atmosphere of confrontation to a higher level.

- October 1962 is a crucial turning point. That month the Cuban missiles crisis erupted, that is the placement in Cuba, 'less than one hundred miles off the coast of Florida, of medium and intermediate range ballistic missiles, capable of carrying nuclear weapons, by the Soviet Union' (Gaddis 1998:260-80).

- Meanwhile, in August 1961, the Berlin crisis had culminated in the erection of the Berlin Wall, at the initiative of East German authorities who said they wanted to protect their country from Western espionage and influence (Bahr 2002).

- In the general background of these various tensions the Vietnam war was escalating, the most disastrous experience of foreign intervention in American history (Schafer 1997; McNamara 1999).

As a consequence of the growing series of crises, the two superpowers intensified the recruitment of ideologically like-minded 'friends' around the world. The competition for allies led to the generalization of a hegemonic policy of *zones d'influence*. Africa, the potentially rich and actually weakest link in the Cold War whirlwind, was considered by each of the two blocs as an important 'stake for their international competition' (Lantier 1967:309).

It is within the context of this particularly nervous political struggle for world hegemony that most African states achieved their first steps as sovereign entities. Many African political leaders would be ideologically attracted by the Eastern bloc or seduced by the Western one, and would finally find themselves entangled in a bitter fratricide struggle that would let the continent be divided into 'Radicals or Progressive' (with 'left wings') on the one hand, and 'Liberals or Moderate' (with 'right wings') on the other hand (Lantier 1967; Benot 1969; Guevara 2000).

When gathering in Addis Ababa with this geopolitical background in mind, the OAU founding fathers knew very well that their challenge went far beyond the formal creation of a Pan-African organization. Their anxiety about a possible failure was all the more important given that all previous attempts at building an 'African unity' had ended up in shambles.

Haunted by the Spectre of Failure

The first Conference of Independent African States (CIAS) took place in the capital of Ghana, Accra, in April 1958. All Pan-African congresses since 1900 were held in Europe or the Americas, so it was the very first time that 'free Africans were meeting together, *in Africa*,[4] to examine and consider African affairs' (Nkrumah 1963:137). Representatives of the eight countries that were then independent, namely Ethiopia, Ghana, Liberia, Libya, Morocco, Sudan, Tunisia, the United Arab Republic (which was the federation of Egypt and Syria) attended the conference, together with delegates of the Algerian *Front de Libération Nationale* and the *Union des Populations du Cameroun*.

In December of the same year 1958, and again in Accra, nationalist leaders from twenty-eight African countries, most of which were still colonized, attended the first All-African People's Conference (AAPC). Among them were Franz Fanon, Patrice Lumumba and Tom Mboya who acted as conference chairman. The AAPC resolved to establish itself as a 'permanent organization'. Besides accelerating the liberation of Africa, one of its statutory objectives was 'to promote understanding and unity among the people of Africa' and 'to develop a feeling of one community among the people of Africa [...] to work for the emergence of a United States of Africa'. The second AAPC meeting, at Tunis in January 1960, amended the constitution but reaffirmed the same basic objectives, including the 'emergence of a United States of Africa'. Cairo hosted the third and last AAPC meeting in March 1961. A fourth meeting, scheduled for 1962 in Bamako, was cancelled.

The two Accra conferences of 1958, the AAPC and the CIAS, were instrumental in making the Ghanaian president, Kwame Nkrumah, the symbol of Africa's quest for unity (Assensoh 1998). His proposal of a 'Union of African States' was rejected, however, at the second CIAS, held in June 1960 at Addis Ababa. The independent African states now numbered fifteen, and their leaders had no desire to surrender their new sovereignty. This second CIAS dismissed the idea of a continental union all the more categorically as emerging wing of 'moderate' heads of state was in a majority, and they had very little sympathy for Nkrumah's ideology of African Revolution.

Progress towards 'African unity' was hampered by the sharpening of ideological differences. The Congo crisis of 1960 was the main point of friction. As more African states achieved independence, they divided their support between the 'progressive' government of Prime minister Lumumba, the 'moderate' presidency of Joseph Kasavubu, and the Katanga secession led by Moïse Tshombe (Ki-Zerbo 1978:650).

In December 1960, twelve Francophone heads of state met in Brazzaville. They issued a communiqué saying that the 'method they ha[d] chosen' was:

> not to take sides — but to reconcile the sides, not to propose any compromise — but to invite both sides to a dialogue from which can only emerge [...] a positive progress for international peace and co-operation.

The same communiqué nevertheless added that the 'rival blocs' of the Cold War were 'trying to recolonise the Congo (Leopoldville) through the intermediary of certain Asian and African States' and there could not be, in the context of 1960, a clearer attack on the 'radical' supporters of Lumumba's government. This particular phrase made it known to everybody that the signatories of the Brazzaville Declaration had actually chosen, by way of a 'method', to attack one specific side. The 'certain African states' they alluded to were Nkrumah's Ghana and Sékou Touré's Guinea. The twelve of Brazzaville, led by President

Houphouet-Boigny of Côte d'Ivoire, were immediately known as the Brazzaville Group.[5]

It is at this juncture that the King of Morocco, Mohamed V, convened the famous Casablanca Conference of January 1961. Though Mohamed V himself was considered a 'moderate' leader, his guests were branded 'radicals' and they met at a critical time for the Congo — just a few days before Colonel Mobutu handed Lumumba over to his murderers in Katanga. The conference rallied to Lumumba, vowed to free Africa from all forms of colonialism and neo-colonialism, and adopted a Charter — the African Charter of Casablanca. The heads of state signing this document affirmed their 'will to safeguard [their] hard won independence, the sovereignty and territorial integrity of [their] States'. That was the first clear manifestation of an African policy of state borders.[6]

Then in May 1961, the 'moderates', now meaning those who opposed the Casablanca Group, held an equally famous conference in Monrovia. Their states became known as the Monrovia Group.[7] They adopted a Resolution on the Means of Promoting Better Understanding and Cooperation towards Achieving Unity in Africa and Madagascar wherein they defined the principles that had to govern Africa's international relations. These principles were:

1. Absolute equality of African and Malagasy States whatever may be the size of their territories, the density of their populations, or the value of their possessions;

2. Non-interference in the internal affairs of States;

3. Respect for the sovereignty of each State and its inalienable right to existence and development of its personality;

4. Unqualified condemnation of outside subversive action by neighbouring States;

5. Promotion of co-operation throughout Africa, based upon tolerance, solidarity and good-neighbour relations, periodical exchange of views and non-acceptance of any leadership;

6. The unity that is aimed to be achieved at the moment is not the political integration of sovereign African States, but unity of aspirations and of action [...].

The draft Charter of an Organization of Inter-African and Malagasy States, adopted at Lagos in January 1962, repeated all the above-mentioned principles and, as far as state borders were considered, added the absolute 'respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence' — a formula that the OAU Charter would repeat word for word.[8]

The Lagos Conference was actually intended to allow a dialogue between the Casablanca and Monrovia groups. At the last minute, however, the Casablanca Group boycotted the conference on the ground that the Provisional Government of the Republic of Algeria was not invited. Speakers like Governor-General Azikiwe of Nigeria stepped up the attack on the absentees. Ethiopia, for her part, worked at giving reconciliation another chance. The next conference of the Monrovia Group was set up for Addis Ababa in May 1963. Emperor Haile Selassie, in his speech at Lagos, openly positioned his country as a neutral party between the two groups.

In the run-up to the Addis Ababa conference, the Ethiopian minister of Foreign Affairs, Ketema Yifru, proposed that the Monrovia Group meeting be transformed into an all out African summit conference. His diplomatic skills and his personal friendship with President Sékou Touré were decisive in fostering an agreement between Guinea and Ethiopia (Ketema 2000). In June 1962, the heads of state of the two countries agreed to call a third Conference of Independent African States (CIAS). Ketema Yifru and the Guinean ambassador Diallo Telli (who would become the first Secretary General of the OAU) worked together to convince both groups to attend. This was how the Addis Ababa conference of May 1963, which was initially set for the Monrovia Group, evolved into the constitutive meeting of the OAU.

Addis Ababa, 1963: Adopting a Charter

The African leaders gathering in Addis Ababa in the month of May 1963 were aware of the fact that they were being observed from outside the continent by sceptical spectators, full of doubts about the capacity of Africans to stand up again and speak firm, with one voice. More than a simple diplomatic conference, their meeting was the very first official manifestation of the sovereign personality of a new, free and independent Africa. As Emperor Haile Selassie would put it:

> This conference, without parallel in history [...], is indeed a momentous and historic day for Africa and all Africans. We stand today on the stage of world affairs, before the audience of world opinion. We have come together to assert our role in the direction of world affairs [...]. The period of colonialism [...] culminated with our continent fettered and bound; with our once proud and free peoples reduced to humiliation and slavery; with Africa's terrain cross-hatched and checker-boarded by artificial and arbitrary boundaries [...]. Today we look to the future calmly, confidently and courageously. We look to the vision of an Africa not merely free but united.

The Ethiopian monarch continued:

> While we agree that the ultimate destiny of this continent lies in political union [...] no clear consensus exists on the 'how' and the 'what' of this union. Is it to be, in form, federal, confederal, or unitary? Is the sovereignty of individual

states to be reduced, and if so, by how much, and in what areas? On these and other questions there is no agreement, and if we wait for agreed answers, generations hence matters will be little advanced, while the debate still rages. We should, therefore, not be concerned that complete union is not attained from one day to the next [...]. Let us, here and now, agree upon the basic instrument which will constitute the foundation for the future growth in peace and harmony and oneness of this continent [...]. Let us not put off, to later consideration and study, the single act, the one decision, which is to emerge from this gathering if it is to have real meaning. This Conference cannot close without adopting a single African Charter.

Two issues were high on the agenda. Firstly, the decolonization of Africa was not over:[9] it was both a political obligation and a moral duty for Africans to accelerate the pace of liberation and, in particular, to intensify the anti-apartheid struggle in Africa. Secondly, the top priority of a newly independent Africa was its economic and social development. This noble objective could only be achieved 'in a climate of peace' explained the President of Côte d'Ivoire. And if peace had to be achieved, the necessary condition was that 'Africa, after it has eliminated all those internal elements of discord, keeps out of the competition opposing the two rival ideological blocs'. Something confirmed by President Modibo Keita of Mali who warned:

It is no longer possible to tolerate the opposition cleverly fostered between groups of states. We should be threatened by the cleavage of our continent into antagonistic blocs and should be preparing the most fertile ground for the dangerous transplantation of the cold war to the soil of our common homeland.

The new African leaders thus had to avoid any factor of division among them. The question of state borders, considered by historians as 'the first great test for independent Africa' (Oliver 1999:262), was one such factor, and certainly not the least explosive. For the best interest of unity and for the sake of peace, both the existing boundaries and the controversy over their relevance had to be frozen.

This emerging policy was already apparent at the preparatory conference of Foreign ministers, and it was opposed by some delegations. One of the most vehement protestors was Morocco, which had a claim over Mauritania and was objecting its independence. Morocco also had a boundary dispute with Algeria. But King Hassan II did not attend the summit conference, a broadcast on Radio Rabat explaining that this was because of the Mauritanian question (Wolfers 1976:123).[10] In his absence, the strongest opposition at the summit conference came from President Aden Abdulla Osman of Somalia:

Territorial disputes are issues that go straight to the hearts of the people [...]. It has been suggested by some that any attempt to adjust existing boundary arrangements would aggravate rather than ease the situation, and for that reason

matters should remain as they are. We do not subscribe to that view for several reasons. It would amount to us condoning actions and policies that we perfectly know are wrong and unjust. It would, too, admit a defeatist attitude and a lack of courage to solve African problems. Finally, it would show that we are shortsighted to think that African Unity can be achieved by side-tracking contentious issues that are the realities of the African scene.

Nkrumah's position was already well known: only a continental union 'functioning under a union government' would be strong enough to 'render existing boundaries obsolete and superfluous'. Unless this is done, he added, Africa 'shall have fought in vain for independence'. A talented speaker, Houphouet-Boigny first acknowledged that 'frontiers are the scars of history', then gave his Ghanaian homologue a broad hint:

> The magicians of plastic surgery, which certain persons would claim they are, will employ their supposed extraordinary talents in vain. They will not succeed so soon in effacing these scars from the surface of the earth. That operation is not indispensable to the achievement of the unity with which we are concerned.

The Ivorian president advised his fellow heads of state to 'proceed by progressive stages, finding positive solutions to concrete problems', and leaving it to what he called the 'dynamism of unity' to settle later on the contentious issues that could not be solved in this year 1963. In the end, it emerged that the 'dynamism of unity' required two fundamental imperatives. One was non-alignment: Africans had to stay out of the whirlwind of the two ideological blocs quarrels. Second, the complete liberation of Africa required 'African solidarity' and this should not be hampered by territorial disputes.

Cairo, 1964: Freezing the Borders

Fourteen months after the Addis Ababa conference, in which the 'African unity' was saved in extremis and the OAU officially created, the first ordinary summit of the one-year old Pan-African organization took place in Cairo, Egypt. Like in Addis Ababa, the issue of borders continued to bother African leaders. It even now represented, as never before, a tremendous challenge for African peace and unity.

On the morning of 17 July 1964, President Gamal Abdel Nasser welcomed his 'dear brothers and friends'. The Egyptian leader, after acknowledging a legitimate 'feeling of friendship and hope', drew attention to the 'busy agenda' filled with 'important and grave issues' that they were going to deal with in the coming days. President Nasser announced that 'without any doubt, important decisions will be taken at this meeting' and these decisions had to be taken with two questions in mind: 'What must we do?' and 'What is the right way?'.

Among the 'important and grave issues' the Egyptian leader spoke about was, second on the list, right after decolonization, 'the question of borders'. A year earlier, the OAU had adopted the principle of 'territorial integrity'. Unfortunately, since there was no clear and unanimously accepted idea on what was exactly meant by those 'territories' whose 'integrity' had to be respected, territorial disintegration became one of the first great challenges with which the organization had to contend. The conflicts between Algeria and Morocco or Ethiopia and Somalia were just the most visible part of an immense iceberg. President Jomo Kenyatta of Kenya declared:

> One of the most regrettable legacies of colonialism is territorial borders. These borders are a source of conflict, friction and misunderstanding among states. There is almost no African state that could keep untouched its current borders, these should be redrawn according to the repartition of tribal and ethnic groupings.

Kenyatta's northern neighbour, Haile Selassie, refused, for his part, to reopen the debate. The year 1964 was one of military incidents between Ethiopia and Somalia at their common border, and the Ethiopian monarch did not deny the reality of territorial conflicts. In his view, however, the debate on state borders was closed a year earlier, when the OAU founding fathers adopted the 'principle of territorial integrity'. This principle was considered so important, he observed, that it is 'repeated no less than three times' in the OAU Charter and it was therefore up to the member states to adhere to it 'as scrupulously as it deserves'.

Kwame Nkrumah did not share any of these two views. The Ghanaian president argued that:

> It is in our power to redress the terrible damaging effects of imperialism [...]. The decisions that we are going to take here will impact, not only on the life of 280 million inhabitants currently living in our continent, but also on the course of events for African generations to come. In the last year [...] events happened which proved to us that our problems, viewed from the angle of dispersed states would remain without solution. We were able to triumph over hostile elements that strive to divide us and our loyalty to the consented principles has resisted the diverse attempts to break it [...]. Manifestations of our weaknesses require great and urgent radical measures, which have not been taken during the Addis Ababa conference.

In one of the longest addresses to the summit, Kwame Nkrumah proceeded:

> Measures that were considered appropriate to face our problems only years ago can no longer respond to the exigencies of African Revolution. Since our last meeting [Addis Ababa, 1963], grave and disturbing border conflicts have occurred on our continent. Fortunately, each time, African solidarity and good sense have prevailed. However, these conflicts are not solved, they are, at the very most, appeased, because the artificial divisions African states are suffering from are too

many and too irrational for harmonious and permanent solutions, except in the context of a continental union [...]. Let me repeat, there is a great risk that there will be an increase in border conflicts [in Africa].

Sir Albert Margai, the Prime Minister of Sierra Leone, noted that the debate was indeed about one question and this question was 'to know whether or not African political or administrative borders inherited from the colonial era must be maintained'. For a durable peace and stability in Africa, Albert Margai proposed a solution of *juste milieu*: colonial borders would be kept 'untouched in principle', but African states should conclude 'bilateral and multilateral agreements with their closest neighbours, with a view to demarcating their shared borders'. A Resolution on border disputes among African states was finally adopted. According to this resolution, the African leaders:

> Considering that the frontier problem constitutes a grave and permanent factor of dissension;
>
> [...] Considering that the borders of African States, on the day of their independence, constitute an intangible reality;
>
> [...] Solemnly declare[d] that all Member States pledge themselves to respect the frontiers existing on their achievement of national independence.

Paddling against the tide of the nascent doctrine, Somalia and Morocco reserved their position on this resolution (Wolfers 1976:137). The delegations of both countries immediately made it clear that they did not regard the resolution as applying to existing disputes, notably their respective conflicts with Ethiopia and Kenya (for Somalia) and Algeria (for Morocco). In his closing speech, President Nasser admitted the reality of 'varied and marked divergences' but declared the summit a success. The concert of diverging opinions, he concluded, signalled 'the vitality of the continent'.

A careful analysis of the minutes of the Cairo meeting shows that the myth of unanimity on the border issue does not stand the test of scrutiny. If there was unanimity in the official discourse, this unanimity was very tiny and fragile. This was not just the case for the Cairo meeting. One remembers that in 1963 in Addis Ababa, at the very moment the OAU was 'unanimously' adopting the principle of territorial integrity within the context of colonial borders, some official African voices in the meeting room were against what they perceived as an 'imposture'.

A Politics of Unachievable Expectations

The majority of African leaders, when deciding in favour of territorial status quo in the early 1960s, were moved by a legitimate fear of opening the Pandora's box of territorial claims. Though understandable in itself, this reactive policy

remains highly questionable as far as its basic objective, namely African peace and stability, is considered. Obviously, endeavours were focused on preventing territorial claims and little effort was made in the sense of pre-empting potential border conflicts and regional instability. African leaders preferred to be event followers instead of striving, certainly amidst possible great difficulties, to become event makers. By firmly sticking to the colonial borders, they hoped to achieve better control of the African territorial system. Under the conditions and circumstances this choice of territorial status quo (which, once more, we do not judge per se) was made, it would inevitably prove to be an illusory hope. Keeping firmly locked, under such specific circumstances, the Pandora's box of uncertain colonial borders would unfortunately not make the box itself disappear.

Legally and Literally Intangible Borders

African state borders were declared intangible. Did they really become so? In international law, the word 'intangibility' is synonymous with inviolability, immunity, immutability. What is, legally, intangible, must never be modified nor undermined (Cornu 1987:448-49). The irony of the situation is that outside the legal context the word 'intangible' literally means 'that cannot be easily understood, difficult to define'. It has as synonymous the words 'vague, obscure, imprecise', that is, what exactly most African borders are all about. Literally speaking, the consecrated boundaries inherited from colonization were among the most intangible reality in Africa. Most of these administrative colonial lines were and continue to be 'vague, obscure and imprecise'.

A boundary is juridically defined as 'the legal line that marks the limit of a territory, and which separates it from the territory of another state or an inter-national space' (Thierry et al. 1979:246). The legal establishment of boundaries consists of two steps: first, boundaries must be delineated, and second, they have to be demarcated (ibid.:247). Both steps are necessary to transform an abstract geographical line into a legal constraint. Once this is done, territorial sovereignty is a matter of effective institutional capacity to control the legal border. The higher this capacity, the more we approach territorial optimality and the more a state is able to assume its 'territorial integrity', enforcing law and order inside and guaranteeing national security and regional stability outside.

Referring to the imprecise nature of African colonial borders, President Sourou-Migan Apithy of Dahomey observed at the OAU Cairo summit, in 1964, that 'there is in Africa no territorial limit left by our former colonizers, which cannot be contested by neighbouring countries'. In 1988, experts found that 41 per cent of African borders have never been demarcated (Foucher 1991:168). This percentage concerns not only the desert areas but also, and indeed principally, inhabited regions with a stable population. As for the 59 per cent of the total borders that are more or less demarcated, a third of them

coincide with a lake or a river, which does not make them easier to manage. The rest of the demarcated borders are 'very loose, imprecise, and more often than not they need to be marked out again' (ibid.) — which is to say they are, literally speaking, very 'intangible'.

The lack of effective institutional capacity to control borders gives African boundaries one of their commonly shared characteristics: their porosity. As President Sourou-Migan Apithy put it, 'borders in Africa are so extensive, so porous [...] that it is difficult for governments to guarantee complete security against infiltration'. That was said in 1964. Not a lot has changed since then. For some borders, the situation has even worsened.

President Nkrumah was right to predict an increase in border conflicts. The border question emerged as a major 'bone of contention among African leaders' in the very first years of independence (Benmessaoud Trédano 1989:11). The list of border disputes grew steadily in the following decades, leading a number of scholars to mention 'ill-defined territory' as a key cause of conflict and violence in Africa (Zartman 1985:12-15), if not the very first cause (Gonidec 1978:255). Documenting the 'causes of conflict among African states', Professor D.K. Orwa of the University of Nairobi found territorial conflicts to be among 'the most explosive' (Orwa 1985:135). These converging analyses highlight the gap that exists between the legitimate expectations of the OAU founding fathers and the tangible outcome of their border policy.

Today, with the benefit of historical hindsight, one can clearly see two self-evident consequences of the African politics of territorial status quo. One is the practical impossibility of sustainable stability and, consequently, of long-term peace and security within and among states. The other consequence is the fatal inevitability of regional instability and violence, such as in the Mano River basin, the Great Lakes region or the Horn of Africa.

Most African states and regions are currently caught in a web of multifaceted territorial tensions, against which they can only present an ultimately weak and illusory resistance. In terms of law and order enforcement, there is pressure from below, made up of bottom-up grassroots tensions transmitted across frontiers and at work beneath the stumbling blocks or blatant failures of the official discourse on borders. In terms of national security and regional stability, there is a lateral pressure, made up of destabilizing dynamics from neighbouring countries and leading to the regionalization of armed conflicts and their consequences — including organized crime, illicit trafficking in guns, diamonds, woods, children and women, emergence of 'African world wars' and proliferation of refugees.

Borders Under Threat

Territorial status quo was supposed to preserve Africa from war and insecurity. Yet, war and insecurity have just become the daily experience of too many Africans. In the past, civil wars were fought in conformity with the definition of this kind of war, that is, an organized armed conflict in which actors, stakes and battleground remain essentially national. Today's African conflicts are increasingly regional. What remains 'national' in the process is the 'spark' that set fire to a whole region. Once the dynamics of violence is activated, it takes a life of its own and neighbouring states are progressively engulfed in the whirlwind.

The Western and Central parts of Africa offer two illustrations of the regionalization of armed violence. The web of violence that engulfed West Africa throughout the 1990s broke out in December 1989 as a civil war in Liberia. In March 1991, the turmoil crossed the northwestern border of Liberia and spread over Sierra Leone, transforming this country into one of the greatest human tragedies of the last century (Ellis 1999; Ayissi and Poulton 2000). The literal 'intangibility' of African borders is substantiated by the fact that, in these two wars, the first shot was fired, not within the country itself, but across its borders, from a neighbouring country. In December 1989, Liberian rebels attacked their country from neighbouring Côte d'Ivoire. In March 1991, Sierra Leonean rebels followed suit, attacking from neighbouring Liberia.

As a consequence of its disruptive neighbourhood, Guinea bent under the heavy burden of hundreds of thousands of refugees. When addressing the 54th United Nations General Assembly in September 1999, President Lansana Conté stressed that the number of refugees amounted to 10 per cent of the country's population, and this represented an immense load for one of the poorest countries in the world, already ridden with internal, social, political and economic problems. At the end of 1999, the Republic of Guinea, host to the majority of both Sierra Leone and Liberia refugees, was first on the UNHCR list of 'top four refugee-hosting countries in Africa' (UNHCR 1999:1-2).[11]

Guinea is a typical example of the depreciation of African borders. Refugee camps in this country were militarized and transformed into safe havens by Liberian insurgent guerrillas striving to overthrow Charles Taylor's government. This militarization of Liberian refugee camps in Guinea was first and foremost a consequence of the incapacity of the Guinean government to control its borders. However, the government of Liberia interpreted the situation as 'support' given to Liberian guerrillas by the government of Guinea. Consequently, Liberian armed forces struck back, beyond the border and inside the territory of the state of Guinea.[12]

These incursions led to waves of forced displacement, even though the total number of internally displaced persons remains unclear. The Guinean government officially reported 395,000 IDPs in 2002, when humanitarian agencies gave

estimates closer to 200,000 (Norwegian Refugee Council 2003:19-22). The official end of Sierra Leone's war, at the beginning of 2002, permitted the repatriation of large numbers of Sierra Leonean refugees, but the security situation deteriorated again towards the end of the year, with renewed fighting and widespread conflict in Côte d'Ivoire, involving Liberian and Sierra Leonean fighters. The escalation of combats in Côte d'Ivoire and Liberia, and of cross-border incursions between these two countries — from Liberia into Côte d'Ivoire, and vice versa — caused the influx of tens of thousands of new war victims in Guinea. Among them, Guinean returnees arrive 'by the same means and in the same conditions as refugees and third country nationals' and are 'potential IDPs' (ibid.:6).

Central Africa is another example of the demystification of the official borders in Africa (Lanotte 2003). The 1994 genocide in Rwanda and its aftermath set fire to what has been called by some commentators 'the first African world war'. Here, we have the same scenario, the same tactics and the same consequences as in West Africa: Rwandese and Ugandan rebels attacked their respective countries from neighbouring Zaire/Congo whose government was obviously incapable of effectively controlling its borders. Rwanda's and Uganda's armed forces struck back the rebels' safe havens inside the Congolese territory.

The difference with West Africa is the absence of an ECOMOG-like peacekeeping force.[13] The surrounding countries that intervened to 'save' the Congo from the 'hegemonic ambitions' of its two small neighbours, Rwanda and Uganda, did not send troops according to a regional scheme, but, basically, in pursuit of their perceived national and short-term interest.

Throughout the continent, the violent and chaotic process of state boundary demystification goes hand in hand with a vibrant trafficking in arms and natural resources. Law and order enforcement are severely jeopardized by this situation. In the end, entire areas are transformed into 'no state lands', which are grey or black areas of anarchy and lawlessness (Reyntjens 1999; Mbembe 1999; Tshiyembe 1999).

West Africa and Central Africa give us a real taste of what happens to a state system in which there is no optimal effective control of borders by members. One recalls that many African states have a tradition of subversive ambition over neighbours. In an attempt to put an end to this, the OAU leaders adopted in October 1965 a Declaration on the Problem of Subversion, in which they 'solemnly' undertook not to tolerate 'any subversion originating in [their] countries against another Member State'. In the current situation in West Africa, it has been said that ULIMO-K rebels attacking Liberia from neighbouring Guinea are 'ethnically of Guinean origin'. Similarly in Central Africa, stories about an invisible 'Bantu connection' versus 'Tutsi hegemonic ambitions' can be found. Whether this information is well grounded or not, it is doubtful that the 'hidden

agendas' of the Congolese or Guinean governments are any more a key factor. Nowadays, it is first and foremost the incapacity of these governments to control their borders that is at the heart of the matter.

Should the Republic of Guinea in West Africa, or the Democratic Republic of Congo in Central Africa, currently decide to stop harbouring subversive elements from their neighbouring states, such a decision would have no effect on events on the ground. None of these states can fully guarantee an optimal control of its porous borders.

State, Territory and (In)Stability: Does Size Matter?

For Africans to build sustainable economic prosperity, speak with a strong voice in the concert of nations and live in peace, Kwame Nkrumah was convinced that the continent had to create the biggest state of all, which would be the 'United States of Africa'. Most of the studies that describe the African state as a 'ghost state', a 'fictitious state' or a 'quasi state' agree that bigger states would be stronger (Tchivounda 1982; Michalon 1984; Jackson 1990). The weak and small African state, considered by Mwayila Tshiyembe to be 'the ghostliest political organization of the second half of the 20th century', also appears to be the main 'factor of instability' on the continent (Tshiyembe 1990:11). As far as territorial optimality is concerned, most scholars agree that the gap between rhetoric and reality would be bridged, not through fragmentation — states getting smaller — but through groupings — states getting bigger — in such a way that states become economically viable and can guarantee economic growth and prosperity, political stability, peace and security to their people.

In 2000, Professor Jeffrey Herbst of Princeton University published a provocative book, in which he reaches exactly the opposite conclusion. Herbst's main (hypo)thesis is that African states are generally too big to be viable and should, therefore, be made smaller. In the interest of our 'geography from above' and 'territorial optimality' hypotheses, his book deserves to be discussed at some length.

Many studies are insightful analysis, but with no clearly defined way out from the turbulent African state. One virtue of Herbst's *States and Power in Africa*[14] is precisely to propose a territorial 'alternative'. The current UN system is wrong, the author argues, when it assumes that the formal sovereignty of African states is equal to making them viable. To be viable, a state needs to develop infrastructure to broadcast power and to gain the loyalty of its citizens so as to control the territory defined by its boundaries. This not being the case for many 'failed' or 'failing states' in Africa, Herbst maintains that they are too big to do so (SP:3-7) and he seeks to prove it by an analysis of 'the evolution of state power' (SP:35-136).

Comparing the broadcasting of power across the centuries, Herbst notices that the 'problem of low population densities' remained 'almost' constant (SP:251). The most important discontinuity, in his view, is in the role of boundaries and the state system:

> While many colonial leaders ruled core and periphery in a manner similar to their precolonial successors, their boundaries no longer reflected how far power could be broadcast but rather, how far leaders believed their power should extend. The African successors to the colonialists [...] created a new state system, based on the Addis rules, that was dedicated to reinforcing the salience and visibility of the received boundaries [...]. The boundaries have been singularly successful in their primary function: preserving the territorial integrity of the state by preventing significant territorial competition and delegitimizing the norm of self-determination. As a result, weak states have been able to claim sovereignty over sometimes distant hinterlands because no other state could challenge their rule [...]. The fundamental problem with the boundaries in Africa is not that they are too weak but that they are too strong. It is not that they are artificial in light of current political systems but that they are too integral to the broadcasting of power in Africa. It is not that they are alien to current African states but that African leaders have been extraordinarily successful in manipulating the boundaries for their own purposes of staying in power rather than in extending the power of their states (SP:252-53).

Drawing attention to the fact that African 'large countries have often failed to broadcast power across their entire national territory', Herbst considers big size to be the primary cause of state failure. What disturbs him, is the 'contradiction of states with only incomplete control over the hinterlands but full claims to sovereignty' (SP:253-54). To address this issue in an effective manner, it thus becomes 'imperative' to look for 'new organizational forms' that can bridge the 'yawning gulf between the legal theories and the facts on the ground' (SP:261).

Then comes the therapy. In order to consolidate state stability and live in peace, Herbst opines that Africa needs *smaller* states. Lilliputian states would be good for Africa since 'smaller states, given the particular political geography of Africa, actually have certain advantages in consolidating power' (SP:266-67). The 'reality on the ground' being that 'subnational groups are already exerting authority in certain regions', Herbst recommends that the international community should act by 'recognizing and legitimizing those groups' (SP:268). Legally, this means shifting the minds to 'a better and more constructive appreciation of the right to secession' (SP:267) and 'granting the right to secession to at least some groups that are able to establish order within their own areas' (SP:268). In practical terms, this means that:

> At least parts of Africa [have] to be reordered around some organization other than the sovereign state [...]. In areas far from the capital, other actors, including

traditional leaders and local 'warlords' who have moved into the vacuum created by the collapse of the local branches of the state, may exercise substantial control, provide security, and collect taxes (SP:269-70).

This way of recognizing new entities because some of the current states have failed or are failing, the author calls it a 'return to reality and an abandonment of the fictions of international law' (SP:270). While admitting that 'criteria' for the recognition of new — and smaller — states 'have to be created' (SP:266), Herbst proposes that any current African state that cannot 'prove' that it effectively controls its territory be deprived of its sovereignty through a 'process of decertification'. The 'decertified' states would be replaced by 'new states because no obvious authority exercises clear control over a defined piece of land' (SP:270). If it happens that the government of a 'decertified' state protests against this decision, this government would 'be forced to prove that it can actually govern the region' (SP:271).

As to the question of who would be the judge endowed with the almighty and terrifying power to 'decertify failed states', Herbst thinks that the United States of America would serve as an inspiration. Just as 'the US government decertifies countries [...] that are not attempting to stop the production and transhipments of narcotics' (SP:264), it could decertify states that are not exercising 'other aspects of sovereign control, including the failure or inability to project authority and to provide basic services in large parts of [their] territory' (SP:265).

His book being a study on why Africa's weak states collapse,[15] Herbst insists that he only aims at preventing further descent into what contemporaneous disciples of Joseph Conrad call 'the heart of darkness' (Kaplan 1996; Kaplan 2000; Tayler 2000; Wrong 2000).[16] Decertification would have the additional advantage, in his view, of 'correctly stating that the US, or other important actors, understand that some countries are not sovereign even if it is not clear as to what they are' (SP:265).

Our hypothesis on optimal control of state territory has, by far, a different meaning from Professor Herbst's (hypo)thesis of effective sovereign control. The two are antinomic. Were this study about finding territorial alternatives to current African fragile states, our conclusion would have been exactly the opposite of Herbst's: Africa needs larger and stronger states — larger populations, larger markets, larger industries... — in order to survive as a sovereignty.

For the Democratic Republic of Congo, rightly mentioned by Herbst as a blatant case of state failure, the solution would not be to create many smaller states within the territory of this country, by recognizing and legalizing for instance the control of 'warlords' over Eastern Congo. It seems to us, as it does to others, that a realistic way out of the Great Lakes region quagmire would be to create, if not a political entity that would include the DRC, Uganda, Rwanda

and Burundi, at least a regional scheme guaranteeing human security in all these countries. Such an option would have the virtue to solve both the power projection problem of the Congolese government, and the legitimate security concerns of Uganda and Rwanda. Let us conclude this section by a quotation of another American citizen writing on his field experience with African reality: 'the problem with Africa is that nothing is ever quite as it seems' (Richburg 1998:139).

African Union: A New Border Policy is Not Yet Born

From the birth of the OAU to its replacement by the AU, the doctrine of intangible borders was constantly challenged by both territorial claims from neighbouring states (challenges from above) and subversive 'informal' dynamics from non-state actors (challenges from below). The border issue has become so serious that many states rank the 'porosity of boundaries' among the key factors of insecurity they have to face (Ayissi 2001; Hennop et al. 2001).

The process of border decay has been dramatized by the regionalization of armed violence as well as non-military threats to state authority. Changes in the geopolitical environment have completely altered the meaning of most African borders. However, there is no substantial evidence that the physical obsolescence of borders is matched up by appropriate changes in official discourse and practice. These strangely remain both highly challenged and stubbornly unchanged.

In the introduction to his *Philosophy of History,* a posthumous book first published in 1837, Friedrich Hegel observed: 'What experience and history teach is [...] that peoples and governments never have learned anything from history, or acted on principles deduced from it'. This seems to apply to the postcolonial history of state borders in Africa. For African political leaders, it very much looks like the question 'what is the appropriate African border?' (that is, the one compatible with a state of durable peace and security) has exactly the same answer in 2002 as in 1963.

Meeting in Sirte, Libya, in March 2001, the OAU leaders decided to 'proudly declare the establishment of the African Union by the unanimous will of Member States'. One year later in Lome, Togo, they adopted the Constitutive Act of the AU, saying that the new Pan-African organization is established 'considering the principles and objectives stated in the Charter of the Organization of African Unity'. In this document, member states declared themselves:

> conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of [their] development and integration agenda (Preamble).

Then, Article 4 enumerates sixteen fundamental principles of cooperation within the new AU. The very first of these principles is 'sovereign equality and

interdependence among Member States of the Union'. And right after, in the second place, appears the 'respect of borders existing on achievement of independence'.

In the light of this renewed act of faith in the 'intangibility' of colonial borders, one might conclude that African decision-makers have not learned much from history. This would not be, however, a totally fair appreciation. The AU Constitutive Act introduces some innovations indicating that despite the unchanged politics of frozen state borders, there is an effort to adjust to the spirit of the time. Even though they are not radically at odds with the past, some of the AU's principles enumerated in Article 4 of the Constitutive Act constitute new 'rules of the game' that, if fully and faithfully applied, would seriously challenge the old sacrosanct principle of intangible borders, as well as others, like the non-interference in internal affairs of states. Three of these new principles that ideologically subvert the ancient political order in Africa are:

- the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;

- the right of Member States to request intervention from the Union in order to restore peace and security;

- condemnation and rejection of unconstitutional changes of governments (Article 4, paragraphs h, j, and p).

Other changes in the Constitutive Act of the AU include five principles related to democratic governance. These principles are:

- participation of the African peoples in the activities of the Union;

- promotion of gender equality;

- respect for democratic principles, human rights, the rule of law and good governance;

- promotion of social justice to ensure balanced economic development;

- respect for the sanctity of human life, condemnation and rejection of impuni-ty and political assassination, acts of terrorism and subversive activities (Article 4, paragraphs c, l, m, n and o).

In addition, Article 5 mentions the creation of two important 'Organs'. One of them is the Pan-African Parliament, which should 'ensure the full participation of African peoples in the development and economic integration of the continent' (Article 17, paragraph 1) and which held its first session in Addis Ababa in March 2004. The other is an Economic, Social and Cultural Council, which 'shall be an advisory organ composed of different social and professional groups of the Member States of the Union' (Article 22, paragraph 1). These are not yet genuine supra-national mechanisms of cooperation, but, compared to the

defunct OAU Charter, the AU Constitutive Act is obviously more audacious in terms of the demystification of both the 'intangibility' of state borders and the absoluteness of sovereignty.

Likewise, the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA, now a 'mechanism' of the AU) reminds the African leaders of the *literal* intangibility of their state borders. Without surprise, the first 'general principle' enunciated in the CSSDCA Solemn Declaration of June 2000 is 'respect for the sovereignty and the territorial integrity of all member states'. More decisively, the OAU admitted in the same document that 'states should, in times of peace, undertake the delimitation and demarcation of their common borders',[17] and it agreed to a plan of action that includes 'negotiations for the delimitation and demarcation of disputed borders'.

At the OAU/AU conference of July 2002 in Durban, South Africa, the African leaders even agreed to a deadline. A Memorandum of Understanding on Security, Stability, Development and Cooperation was adopted at this conference. In it, the OAU/AU member states agreed to adopt 'key performance indicators'. One of these indicators is to:

> conclude by 2012, with the assistance of the UN cartographic unit where required, the delineation and demarcation of borders between African states, where it has not been done, to strengthen peaceful inter-state relations.

It now looks as though state territories, in the African imagination, are no longer these self-evident and absolutely closed geographical spaces within which the state is supposed to have an unconditionally exclusive privilege of ownership. 'History has always been conceived as the movement of a resumption of history, a diversion between presences', wrote Jacques Derrida (1978:291). This is definitely true concerning the creation of the OAU and that of the AU. But, as far as the fate of the African state's territory and sovereignty are specifically considered, the most important thing is that the second 'presence' (AU) seems not to be the simple resumption of the first one (OAU).

Notes

1. For the sake of simplification, we use as synonymous the expressions 'state borders' and 'national borders', even though we do not lose sight of the fact that a state is not always a sociological equivalent of a nation. On 'territory' as an appropriated geographical space produced by and under the effective control of communities, see Bailly and Ferras (2001).

2. The open session speeches at the 1963 conference were published in *Proceedings of the Summit Conference of the Heads of State and Government,* Addis Ababa, OAU Provisional Secretariat, 1963. Facsimiles of these speeches are also posted on the UNECA website, www.uneca.org/adfiii/riefforts/ref.htm.

3. The speeches at the 1964 conference are quoted from *Conférence des Chefs d'Etat et de Gouvernement de l'OUA, 17-21 juillet 1964, Le Caire: textes des discours prononcés à la Conférence*, Cairo, Information Department, 1964.

4.   Emphasis by Kwame Nkrumah.

5. The Brazzaville Declaration was signed by the presidents of Cameroon, Central African Republic, Chad, Congo Brazzaville, Côte d'Ivoire, Dahomey, Gabon, Madagascar, Mauritania, Niger, Senegal and Upper Volta, who later formed the African and Malagasy Union (UMA).

6.   The 'Casablanca Group' involved Ghana, Guinea, Libya (who later joined the 'Monrovia Group'), Mali, Morocco, United Arab Republic, and the Provisional Government of the Republic of Algeria (invited as a full-fledged member). The Casablanca Charter was also supported by the Pan-African Freedom Movement of East and Central Africa (PAFMECA), another 'progressive' grouping formed in 1958.

7. The 'Monrovia Group' involved the twelve states of the Brazzaville Group plus Ethiopia, Liberia, Libya, Nigeria, Sierra Leone, Somalia, Togo and Tunisia.

8. The Lagos and Casablanca Charter can be found in Sohn (1971). All the other pre-OAU documents quoted in this section are taken from Mutiso and Rohio (1975).

9. Only 32 African states were independent in May 1963, of which 31 participated in the Addis Ababa conference (the absentee was Togo, in the confusing aftermath of its first coup d'état, in which President Sylvanus Olympio was assassinated). On the other hand, all the lusophone countries, Kenya, Zanzibar, Mauritius, Seychelles, Comoros, Djibouti, The Gambia, Equatorial Guinea, Western Sahara and the whole of Southern Africa were still under colonial or white minority rule.

10. Morocco only signed the OAU Charter in September 1963, and then under reservation of rights and without recognition of existing boundaries (Benmessaoud Trédano 1989:140). Morocco ultimately withdrew from the OAU in November 1984 to protest the admission of the Sahrawi Arab Democratic Republic.

11. The list of four as on November 1999: Guinea: 489,000; Sudan: 391,000; Tanzania: 343,900 (not including 200,000 Burundi who have been in Tanzania since the 1970s and are not assisted by the UNHCR). In 2003, the main refugee-hosting country in Africa was Tanzania, with an estimated 700,000 persons, including the 200,000 unassisted Burundi from the 1970s (UNHCR 2003:14).

12. *La Lance* (Conakry), 15 September 1999, front page: 'Guinée/Libéria: Taylor attaque en forêt'.

13. The ECOMOG interventions in Liberia and Sierra Leone (and also Guinea Bissau in 1998-1999) are not the focus of this chapter. What should however be underlined, regarding the Economic Community of West African States (ECOWAS), is the move from a state-centric regional organization towards a supranational mechanism that enforces peace agreements in sovereign countries (Olonisakin and Aning 1999; Adebajo 2002).

14. Hereby quoted as SP.

15. To paraphrase Jackson and Rosberg's famous title 'Why Africa's Weak States Persist' (1982).

16. In reference to Joseph Conrad's novel, *Heart of Darkness*, first published in 1902.

17. This is exactly what Albert Margai called for in Cairo at the OAU meeting of 1964.

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