“MANAGING AFRICAN CONFLICTS BY AFRICAN STATES
THE CASE OF ECONOMIC SANCTIONS AGAINST BURUNDI”

BY

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STUDENT’S DECLARATION

I the undersigned declare that this is my original work and has not been submitted to any other college, institution or university other than the United States International University for academic credit.

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This Thesis has been presented for examination with my approval as the appointed supervisor

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D.V.C. Academic Affairs
DEDICATION

This thesis is dedicated to my family and Mrs. Teresia Aberi Kinanga for her love, insight and appreciation of the importance of education
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Page</td>
<td>i</td>
</tr>
<tr>
<td>Declaration</td>
<td>ii</td>
</tr>
<tr>
<td>Dedication</td>
<td>iii</td>
</tr>
<tr>
<td>Acknowledgement</td>
<td>iv</td>
</tr>
<tr>
<td>Table of Contents</td>
<td>v</td>
</tr>
<tr>
<td>Abstract</td>
<td>vii</td>
</tr>
<tr>
<td><strong>CHAPTER ONE</strong></td>
<td></td>
</tr>
<tr>
<td>1.0 Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1.1 Background to the Problem</td>
<td>7</td>
</tr>
<tr>
<td>1.2 Statement of the Problem</td>
<td>11</td>
</tr>
<tr>
<td>1.3 Objectives of the Study</td>
<td>13</td>
</tr>
<tr>
<td>1.4 Justification of the Study</td>
<td>14</td>
</tr>
<tr>
<td>1.5 Scope and Limitations of the Study</td>
<td>18</td>
</tr>
<tr>
<td>1.6 Assumptions of the Study</td>
<td>20</td>
</tr>
<tr>
<td><strong>CHAPTER 2</strong></td>
<td></td>
</tr>
<tr>
<td>2.0 Literature Review</td>
<td>21</td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td>21</td>
</tr>
<tr>
<td>2.2 Theories on Conflict</td>
<td>22</td>
</tr>
<tr>
<td>2.3 The Microcosmic theories on the causes of conflict</td>
<td>34</td>
</tr>
<tr>
<td>2.4 The Macrocsmic theories on the causes of conflict</td>
<td>38</td>
</tr>
<tr>
<td><strong>CHAPTER 3</strong></td>
<td></td>
</tr>
<tr>
<td>3.0 Conflicts in Africa</td>
<td>41</td>
</tr>
<tr>
<td>3.1 Conflicts in African States</td>
<td>41</td>
</tr>
<tr>
<td>3.2 Conflict Management in Africa</td>
<td>49</td>
</tr>
<tr>
<td>3.3 Economic Sanctions as a Tool of Conflict Management</td>
<td>58</td>
</tr>
<tr>
<td>3.3.1 Economic Sanctions in International Law</td>
<td>61</td>
</tr>
<tr>
<td>3.3.2 Application of Economic Sanctions in Africa</td>
<td>65</td>
</tr>
<tr>
<td>3.4 Economic Sanctions against Burundi</td>
<td>68</td>
</tr>
</tbody>
</table>
## CHAPTER 4

4.0 The Sanctions against Burundi .......................... 71
4.1 Political Dynamic of the Sanctions against Burundi ...... 71
4.2 The Socio-Economic Effects of the Sanctions ............... 80
4.3 The End of the Sanctions .................................. 83

## CHAPTER 5

5.0 Analysis and Recommendations .......................... 86
5.1 Introduction ................................................. 86
5.2 Analysis of the Sanctions ................................... 89
5.3 Recommendations ........................................... 92

References ......................................................... 100
ABSTRACT

Economic Sanctions have been used for ages as a policy tool of conflict management. In recent history, economic sanctions have been applied against states such as Iraq, South Africa, Libya, and Burundi among others. Economic sanctions can be imposed unilaterally, as in the case of Cuba by the United States, Global action through the United Nations, or by regional action as was the case against Burundi.

Nevertheless, sanctions have not always been successful in achieving their ends. More often than not, it has become necessary to invoke other means to achieve the original aims of sanctions. Another option is to simply drop them before they achieve those set objectives. The sanctions against Burundi in 1996 by the Eastern Africa states were suspended after realizing that there was little or no progress towards achieving their objectives. In essence, the sanctions were becoming a stumbling block in the peace process. Iraq is another instance where other means – gunboat diplomacy, had to be employed in the search for suspected weapons of mass destruction.

Though there are other means of conflict management, this research aimed at studying how economic sanctions can be successfully used in managing conflicts in Africa. It takes the 1996 Burundi sanctions as the case study while other examples were drawn from other instances where economic sanctions have been applied. Such examples were mainly used to elucidate a point that would have otherwise been unclear.

The researcher used secondary sources as the main source of data for the study. This included use of books, journals, magazines, and other library materials as well as Online material relevant to the study. Efforts were also made to access all kinds of information published or otherwise since the issues involved are fairly recent.

The researcher hoped that at the end of this study, the exercise will have answered a number of research questions, and add knowledge to the reasons as to why economic sanctions are not effective in the developing world such as in Burundi. It is my expectation therefore that these findings will assist in improving the chances of Sanctions succeeding in the future or strengthen the sanctions tool of conflict management by adding more knowledge to our understanding.
1.0 INTRODUCTION

Sanctions have been used as a means through which a given power tries to affect the policy making of another. This was achieved through organizing a siege in medieval times. However, nowadays the same practice is pursued through the imposition of economic sanctions. Geoff Simons states that sanctions may take different forms such as a blockage, an embargo, and a boycott, among others. He goes on to note that economic sanctions are “intended to serve as a form of punishment, a practical signal...” that the target state(s) are pursuing actions that are not acceptable to the imposers of the sanctions (Simons, 1999: 8-11).

Deon Geldenhuys in his book “Isolated States; a Comparative Analysis”, points out that various forms of isolation could be used as an alternative to armed conflict. He notes that isolating a state from the international system is a “means of coercing an offending state into compliance” (1990:4). Indeed, if absolutely applied, sanctions can serve to severe a given state from the International System, thus, jeopardizing its productive existence. This possibility is underlined within the dynamics of globalization and international trade.

The use of economic sanctions in one way or another, has characterized conflict in and between societies since the earliest of times. The form of sanction commonly employed from Biblical and medieval times was the siege. Economic sanctions have persisted as a formidable tool against an enemy or pariah state. There are various documentations of the times the people in the Old Testament used this as a means of war even among city-
states. In the book of Deuteronomy, God commanded the Israelites on how to conduct sieges, what to do and how to act in case they were besieged. The Israelites were travelling from Egypt to God’s chosen land, Canaan. Though there were other peoples already living in the new land, God promised to overcome them in favour of the Israelites. Deuteronomy 20:10-12 indicates that where possible, sieges were to be used in lieu of armed war. The book of Deuteronomy may also be understood as a book on the relations both domestic as well as International as concerns the Israelites.

The impeccable decisiveness of sanctions as a policy tool to shape national political thought is undisputable. Geoff Simons for instance concurs that “the economic weapon is the most powerful in the varied armoury of the allies” and that no human power can prevent it from ultimately bringing victory, in a final and decisive manner to the allied states (Simons, 1990:38). It is true that this tool causes untold suffering among the citizenry but then, it is also argued in the same breath that this is the primary objective meant to force the powers that be to rethink their position in a bid to alleviate the human suffering.

In Classical International Law, enforcement measures using armed force had been legal. As the use of force has become illegal, only peaceful means to settle disputes have been seen as legal ones, since the adoption of Article 2 of the Briand-Kellogg Pact of 1928, which stipulates that “The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means” (Holsti, 1988:128).
Economic Sanctions have continued to be used as an alternative to war or as a means of coercing rogue states in the international Community. The League of Nations enshrined this option in its charter where paragraphs 1 to 3 of Article 16 of the charter call on all states to:

"... immediately subject ... (an offending state) to the severance of all trade or financial relations, ... and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant breaking state and the nationals of any other state..."

This seems to have been the first time that sanctions were enshrined in International Law. As a tool to be used by all states in agreement, it relied on international unity with the second being overt with its call for members to support each other whenever sanctions are called against any one member of the league.

This was reaffirmed by Article 2(3) of the United Nations (UN) Charter of 1945, which obliges Member States to “settle their disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. Under Article 41 of the UN Charter, the Security Council may call upon Member States to apply measures not involving the use of armed force in order to maintain or restore international peace and security. These measures are listed as “...complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of
communication, and the severance of diplomatic relations”. What the charter refers to as measures is what is now commonly referred to as sanctions.

The idea of sanctions is presented as a passive means of warfare. However, sanctions are only passive in as far as there is no armed confrontation among the warring parties. Nevertheless, the effects of sanctions have increasingly led critics to charge that sanctions are cruel, unfair and even violent. It has become increasingly clear that sanctions bring hardship that affects ordinary people, far more than leaders. As evidence has accumulated on the harsh effects of sanctions, particularly in Iraq, experts have increasingly recognized this negative side of sanctions and questioned whether human suffering can be justified by the original purpose. Authors such as Geldenhuys argue that in this way, sanctions should be considered as a violent means of resolving conflict. (Geldenhuys, 1990:8)

However, most of the sanctions have failed to be effective due to the fact that the international community does not have any mechanisms through which member states can be compelled to abide with any of its agreements. For instance, many countries went on to cooperate with South Africa economically notwithstanding the prevailing UN sanctions against such activities. After a number of years, various leaders especially those from Africa visited Libya despite the economic sanctions and air travel restrictions imposed on the country. When President Nelson Mandela visited Libya in October 1997, his argument was a classic rhetoric indicating that some of the embargoes imposed by world bodies including the UN may not necessarily enjoy the support of all.
For example, some cases in which sanctions are threatened see no actual implementation. It is important to note that forceful sanctions through the United Nations are limited to situations involving threats to peace, breaches of peace, and acts of aggression. In all other instances of non-compliance of International Law, the charter's own general provisions outlawing the threat or use of force in effect prevent forceful sanctioning. Nonetheless, other means of collective sanction through the UN involve diplomatic intervention and economic sanctions. The decentralization of sanctions remains one of the major weaknesses of International Law. Although international organs can make decisions in the implementation of sanctions, it is the member states that must implement them. The states are the importers and exporters in the international system. They command industrial economies and the passage of goods across national boundaries.

The downside of sanctions is that too often they are imposed unfairly, using standards that are unevenly applied or biased. The whims or interests of the mighty, as opposed to clear rules of International Law, often determine the targets of sanctions and the harshness of the sanction regimes. "Sanctions," argued The Special Representative of the Secretary-General, Ambassador Joseph Legwaila, "are meant to bring about a change of behaviour, they are not supposed to be punishment or retribution." Hitherto, this has not been the case. A clear case is represented by the unilateral sanctions against Cuba by the United States.
From the early 1960’s, the United States (US) unilaterally placed sanctions on Cuba. Though unsuccessful efforts were made to enjoin other countries in isolating Cuba from the international system. In 1962, sanctions were instituted by President John F. Kennedy as a means of punishing Fidel Castro’s regime for allowing the storage of Soviet nuclear arms in Cuba. Nevertheless, it was “Castro’s celebrated declaration in 1961 that ‘I am a Marxist-Leninist until the day I die’” that first rubbed the United States the wrong way (Geldenhuys, 1990:56). The embargo aimed at placing pressure on Castro to reform the communist system in Cuba, promote democracy, and improve human rights. Needless to say, the aims of the sanctions have not been achieved over 40 years later. Today, Castro is stronger and his system has permeated every aspect of Cuban life. (Geldenhuys, 1990:57)

The use of economic sanctions by regional groupings has also taken root with various international organizations coming together to enforce their demands on errant states. In Africa, countries that have found themselves on the wrong side of the sanctions include Burundi the subject of this paper, South Africa for its apartheid practices, and Libya as a result of the Lockerbie debacle. However, some countries were willing to overlook the sanctions and work with the sidelined countries which effectively meant that the sanctions though having considerable effect, could not achieve the full orchestrated effect. As at the UN level, regional groupings have to grapple with the participation (or lack of participation) of non-member states. According to Geoff Simons, this has presented challenges and evoked different responses from different International lawyers. (Simons, 1999:70)
1.1 Background to the Problem

The Republic of Burundi is a landlocked, Central African country with a total area of 27,830 sq. Kms. It has three neighbours; The Democratic Republic of Congo to the West, Rwanda to the North and Tanzania to the East and South. The country’s economy is dependent on agriculture; an estimated 90% of the population dependent on subsistence agriculture. Poor in natural resources, its economic health depends on the coffee crop, which accounts for 80% of foreign exchange earnings. The country is populated by three indigenous ethnic groups; Hutu 85%, Tutsi 14%, and the Twa or pygmies who represent 1%. (CIA Sourcebook, 2001)

Like her sister country Rwanda, Burundi has a replica historical background when it comes to ethnic composition, colonial legacies as well as political dynamics. Burundi was once part of German East Africa. In 1923 Belgium won a League of Nations mandate, and subsequently Burundi, with Rwanda, were transferred to the status of a United Nations trust territory. In 1962, Burundi gained independence and became a kingdom under Mwami Mwambutsa IV, a Tutsi. A Hutu rebellion took place in 1965, leading to brutal Tutsi retaliations. His son, Ntarè V, deposed Mwambutsa in 1966. Premier Michel Micombero, also a Tutsi, in turn overthrew Ntarè the same year in a military coup. In 1970–71, a civil war erupted, leaving more than 100,000 Hutu dead.

The country continued to experience many other coups and counter coups leading not only to a great loss of lives but also to a very unstable country in the Great Lakes region.
In July 1996, a former president Major Pierre Buyoya once again regained the seat in a bloodless coup. Major Buyoya had before taken power in 1987, also through a coup d'état and he was to last till 1993 with the election of Burundi's first Hutu president, Melchior Ndadaye. Major Buyoya's 1996 coup is said to have been a move to pre-empt the peace talks that were going on in neighbouring Tanzania under the facilitation of Julius Nyerere (Salter, 1999:3). The army had felt that any outcome from the talks could not be favourable to them or their country.

On July 25th, 1996, Major Pierre Buyoya executed a coup and overthrew the government of President Silvestre Ntibantunganya and took over the mantle of leadership. However, African countries were quick to condemn the coup, and the Organization of African Unity (OAU) said it was not going to recognize Major Buyoya. In a sense, this was commensurate with the OAU resolution not to accept into its ranks any leader who came to power through a military coup. About a week later, a meeting of African leaders in Tanzania passed a resolution to place the landlocked country under a trade embargo.

The sanctions slapped on Burundi in 1996 were an African response towards conflict management in the regions. Conspicuously, the governments of Kenya and Tanzania at first refused to recognize the new government. However, with time, there were challenges on the implementation and effects of the sanctions with various borders being porous to contraband goods. The sanctions were later suspended in January 1999.
The trade embargo was an attempt by African leaders to dictate the course of events in the region. They emanate from the sentiments promoted by such leaders as Colonel Muammar Gaddafi of Libya and Nelson Mandela of South Africa that it was high time Africans woke up and sought to find solution to African problems from within. The concept of African solutions to African problems has since been championed in different forums and can be inherently seen within the concept and creation of New Partnership for African Development (NEPAD) (Nyong'o et al, 2002)

Economic sanctions vary according to what they are targeting and how they are set to achieve it. Many a time, the sanctions are not meant to sweep across the board. Common exceptions include humanitarian cargo such as foods and medicines, as well as other commodities that may not be used to foster the dynamics of the conflict. This latter category includes arms and spare parts as well as any other tool that may also be used as a weapon.

The sanctions imposed on Burundi were targeted on trade by barring all commodities from being transported to or from Burundi. The sanctions were meant to freeze the Burundian economy and hence force the Coup leader to withdraw and thus revert the country back to civilian rule.

The meeting of Leaders on July 31st 1996 in Tanzania agreed to a number of measures to force the military to return the country to civilian rule. Among the calls was for Burundi to end the illegality of the regime and restore constitutional order, to reinstate Burundi's
national assembly, reinstate political parties and hold unconditional negotiations with all parties to the conflict. The leaders also wanted the new regime to resume peace negotiations and share power with the Hutus. The sanctions thus imposed on Burundi would especially cripple the coffee and tea industry, staples of the country’s economy. The ban was also extended to air and ferry travel. Within a month of the Arusha summit, all the Eastern and Central African countries had formally closed road and air travel to or from Burundi.

Questions abound on the actual implementation of the sanctions. It is clear that to have decided to impose the sanctions, the African states had an objective, a goal to achieve at the end of the process. But did they remain objective to their cause? Did the various countries all respect the embargoes that they had all agreed to impose on Burundi or was it a case of some countries succumbing to their national interests and therefore failing to abide by the regional obligations? These questions can be addressed from various fronts but some issues are clear about the embargo. For instance, it is common knowledge that goods that were supposed to decline in availability were still widely available in Burundian towns. Oil and Oil products for instance were clearly available judging from the continued massive presence of automobiles in the country’s city and towns. Food and other foodstuffs were also available in the markets including goods that were not produced within the country itself.

The *New York Times* issue of January 17, 1999 summed it up thus: “No gasoline is supposed to come into Burundi, yet the streets here are full of cars. No commercial
flights are supposed to arrive, yet cargo planes land regularly from Belgium and the United Arab Emirates, full of foreign goods that no one here is supposed to get: radios, Moët & Chandon Champagne, whisky, cheese”. Burundi being a landlocked country, it is therefore clear that some other country was allowing its airspace to be used by planes destined for Burundi! The Paper went on to argue that the strict economic sanctions imposed on Burundi by its neighbours in August 1996 have not worked out exactly as planned.

Many avenues were used to bypass the embargo. Smuggling was the key channel with merchants opting to smuggling, due to porous borders where goods could leak through in vast quantities. Local merchants, many from the Tutsi elite, made fortunes charging exorbitant prices for basic goods. Some critics maintain that key government officials of the imposing states supported these merchants for personal gain.

1.2 STATEMENT OF THE PROBLEM

Conflicts continue to constitute one of the greatest challenges facing the African continent in the 20th Century, and will no doubt persist well into the 21st Century. Issues of governance, identity, resource allocation, and power struggle coupled with personality cults and the problem of state sovereignty have indeed conspired, not only to cause staggering losses of human lives, destruction of property and environmental degradation, but have also provided Africa with the unenviable record of hosting more than seven million refugees and over twenty million displaced persons.
While conflicts are part and parcel of human society and cannot be wished away, African conflicts should be viewed in their specific historical context. According to this dynamic perspective, the nature and intensity of African conflicts are the results of a complex, dialectic relationship between internal social factors and the structure of the external environment. What changes is the nature and intensity of conflict, as a result of two main factors: internal social factors, such as ethnicity, class and religion, and changes in the sub-regional, regional, and international environment, which have various degrees and levels of influence on the internal situation.

African states have a primary role in the resolution and prevention of these conflicts. Various African grown ideas have been mooted, each with various degrees of success. The Organization of African Unity (OAU) established its Mechanism for Conflict Prevention, Management and Resolution in 1993 to address conflicts in Africa. The future success of the OAU Mechanism will depend on how well it is able to develop relationships with African sub-regional organizations like ECOWAS, SADC, the Economic Community of Central African States (ECCAS) and the Inter-Governmental Authority for Development (IGAD). Throughout the 1990s, nearly all of Africa's sub-regional organizations began to develop mechanisms for conflict management in their respective sub-regions.

Following the coup in Burundi in 1996, the regional countries instituted sanctions against Burundi with the objective of bringing about sanity and the rule of law into the country. In light of the nature of the international economy and globalisation, and given that
Burundi is a poor landlocked state, and also considering that the sanctions were comprehensive, it follows that sanctions against Burundi had every reason to succeed in bringing about their set out objectives. This did not wholly happen.

This research aimed at studying why the economic sanctions against Burundi failed to achieve all their objectives. It studies the background of the sanctions, nature of the sanctions themselves, the positions of sanctioning states, and other factors to determine the reasons as to why the sanctions failed and what could have been done otherwise in order to give them a better chance of succeeding.

1.3 OBJECTIVES OF THE STUDY

This study was guided by two major objectives. One was to determine why the 1996 sanctions against Burundi failed to achieve their objectives and the other was what could have been done to bring about this success.

However, there are also specific objectives that are related to the major objective of the study. These include:

1. To establish the circumstances that led to the imposition of the sanctions.

2. To determine whether sanctions were the best option available and thus establish if there were other options that could have been used in lieu of economic sanctions.

3. To find out the nature of support the sanctioning countries received from the international community and the effect of the said support.
4. To examine how the sanctions were handled with focus on both the actions of individual members on the one hand and regional actors on the other hand.

5. Establish why the states took such actions or omissions and by extension find out what steps, if any can be taken to avoid actions that undermine agreements.

1.4 JUSTIFICATION OF THE STUDY

Targeting the economic survival of a country is one way of trying to enforce the wants of stronger states upon those of the often-weaker ones in international politics. However, though the aims are well defined, the system has to be rethought given the increased awareness of issues of Human Rights as well as Humanitarian Law.

Sanctions in general, or economic sanctions as in this case, are meant to replace armed conflict, they are designed to force the offending state to come back into line with the desires of the International Community. However, the imposition of sanctions has been seen not only as being largely biased in the New World Order, but their implementation modalities leave a lot of questions. Very few if any economic sanctions have been implemented as conceived. This generalization applies to all UN proposed sanctions including South Africa, Cuba, and Libya among many others. The embargo against Burundi was not fully supported by the Democratic Republic of Congo nor Rwanda hence the existence of loopholes in implementation.
The sanctions against Burundi were designed to be hard hitting given that Burundi is a landlocked state. In any case, Burundi is a small and weak state by any definition. In his discussion of various definitions and characteristics of weak states, Handel (1990:9-65) presents some of these characteristics as small geographical area, and the state’s location on the globe, poor economy, population, and military weakness, among others. He further states that such weak state in the International system, “economically as in militarily and politically, the weak states are at a disadvantage when compared with great and middle powers.” (Handel, 1990:47)

In this light and noting that the sanctions regime on Burundi were designed to be comprehensive, the sanctions had every reason to succeed at least because Burundi is a landlocked state. Though there were some achievements, they cannot be wholly said to have been as a result of the sanctions. On the other hand, the expansiveness of the sanctions worked to intrude on the lives of Burundians. Humanitarian cargo was equally affected as other goods with the movement of humanitarian goods only eased with a partial lifting of the embargo that were done in piecemeal such as when Kenya unilaterally allowed transportation of aviation oil to Burundi.

In war, there is what is termed as collateral damage, which is defined as negative effects to the population or otherwise, which were not intended by a given action. In the use of economic sanctions, such collateral damage is often blamed on the other party to the conflict. The parties causing collateral damage go to great lengths to show that the damage was indeed inevitable and thus within acceptable limits” (Chan, 1987:59). The
sanctions imposed on Burundi had different effects for the various strata of the Burundian people and the people who were affected took this differently. For instance, they were seen as a blunt instrument that had had a disproportionate impact on the poor and most vulnerable segments of that country's population according to Kathleen Cravero (Cravero 1998) who was the United Nations Development Program (UNDP) Resident Representative and Humanitarian Coordinator in Burundi at the time.

As expected, the sanctions had adverse effects on the Burundian people, this was worsened by unnecessary red tape within imposing states. A case in point is the contention that though in principle humanitarian goods were exempted from the sanctions, in reality those vital materials could be held up for weeks, sometimes months, before being allowed entry into Burundi.

A report by the Inter Press Service (IPS) on June 2 1997, by Niccolo Sarno stated that as much as the general population was feeling the pinch of the blockade, the same had little effect on the rulers of the central African nation. It was further argued elsewhere that the negative effects of the economic blockade have come to outweigh any positive effects it might have had. Like in other classic examples, the embargo rather than redistributing wealth, it helped the rich to grow richer while the poor sunk further into their poverty. Sarno's report also quoted Jean-Luc Siblot, WFP's country director for Burundi stating that food shortages affect the population in different ways but notably the first causalities are children. Siblot noted that Malnutrition in Burundi was on the rise. He further said
that about 300,000 people were facing major food shortages whereas the food was available and awaiting logistical technicalities.

The continued upholding of the sanctions even long after they had been deemed untenable made them to be blamed for all ills that were afflicting the central African country. The *New York Times* pointed out that the sanctions had become an all-purpose demon, cited as the cause of everything from stunningly high prices to lack of basic social services. However, the sanctions were also being blamed for the continuation of ethnic and regional violence in Burundi, which, the paper felt was less certain.

Towards the end of 1988, even supporters of the sanctions, like the Organization of African Unity and the United Nations, urged that they be lifted. These groups argued that the effect on Burundians had been too harsh and that the sanctions had killed economic progress in a country already isolated and desperately impoverished. Several officials maintained that they were also worried that Tutsi hard-liners may topple the Government, or force Major Buyoya to end the peace talks, unless some concrete gesture was made toward easing economic hardship.

Did the embargo achieve its aims? There could be no clear answer to this given that the government of Burundi did not fully conform to the demands of the African leaders. For instance, the country still remained under military rule, and it took sometime before parliament was reconstituted in response to the demands of the sanctions. However, according to the UN Secretary General’s report on the situation in Burundi (S/1997/547),
what is clear is that there was a great negative impact on humanitarian operations apart from making lives more expensive and largely intolerable to the Burundian citizenry.

1.5 SCOPE AND LIMITATIONS OF THE STUDY

This study focused on attempts made by African states in conflict management in Africa. The study thus focused on what has been done by African states in their various attempts to quell the fires of civil unrest in various African countries. A number of questions have arisen on the ability of African states to handle conflicts in their neighbouring states. The situation was further complicated by the interpretation of Article 3(2) of the charter of the Organisation of African Unity which, was hitherto interpreted to mean that internal affairs of African states could be a no go zone for other states. Giant strides have since been made in this area with regional bodies being mandated to oversee issues of security in their respective regions.

There are many other means of conflict management available such as Arbitration, Mediation, Peace Keeping and Peace Enforcement, and Sanctions. This study limits itself to the use of sanctions and in particular, picks on Economic Sanctions as a means of conflict management. It explores this with the use of the 1996 Burundi sanctions as a case study. This on its own may limit the findings of the study but the researcher endeavoured to borrow from other cases so as to elucidate some given aspects. Nevertheless, the study remains limited in issues that do not at all appear in the case study but which could have come out would another case have been studied.
For instance on the global level, the Security Council has resorted to mandatory sanctions as an enforcement tool when peace has been threatened and diplomatic efforts have failed. Sanctions have been imposed against Iraq, the former Yugoslavia, Libya, Haiti, Liberia, Rwanda, Somalia, UNITA forces in Angola, Sudan, Sierra Leone, Federal Republic of Yugoslavia (including Kosovo), Afghanistan and Eritrea and Ethiopia. The range of sanctions has included comprehensive economic and trade sanctions and/or more specific measures such as arms embargoes, travel bans, financial or diplomatic restrictions. These specific measures are embodied in what is termed as smart sanctions.

Conversely, there have not been many Sanctions let alone Economic Sanctions in this case targeted at African states. The only exceptions to this include South Africa’s apartheid regime and Libya. This poses a problem of lack of comparisons for the success or failures of sanctions in African states. At the same time, the said exceptions were not sanctions instituted by African states but rather by the international community. This leaves the economic sanctions against Burundi as a unique case.

While this study attempted to present all the data available, it was noted that “the literature on economic sanctions is one of the least conclusive in the study of International Relations” (Jentleson, 2000:123). There is very little agreement on whether or not these coercive measures are successful, on what criteria to judge success, or even what measures should be considered sanctions. Furthermore, literature on issues
concerning third world countries such as Burundi are not easily available because many an author tend to focus on issues of the developed world.

2.1 INTRODUCTION

Since economic sanctions against Burundi are fairly recent, much of the information lies in commissioned reports by various humanitarian organizations involved in the country. Whereas this information has been made public, access to the same is largely limited to the commissioning organization’s partners. Luckily though, the same reports are more often than not posted on the Internet, this greatly eased the research process.

1.6 ASSUMPTIONS OF THE STUDY

This study is based on the following assumptions;

1. That Economic Sanctions are a formidable tool of conflict management and that any country that finds itself faced with sanctions can ideally succumb.

2. That African states are in a position to take a primary responsibility in managing African conflicts.
CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 INTRODUCTION

Conflict is an integral part of human relations and cannot be eliminated. Indeed in some circumstances conflict can be considered as a positive force. It gives us an opportunity to reflect on our differences, it’s not always violent or evil, but it is our perception and handling of the conflict that might produce negative results (Mwagiru et al, 1998:3). However, conflicts in Africa have largely been depicted in the negative light. Furthermore, efforts to contain these conflicts have hitherto been handled by the international community as opposed to fellow African states.

Wherever two or more people meet there is always a latent possibility of a conflict situation. Conflict is part and parcel of human interactions and the best that can be done is to minimize its negative effects on society as opposed to doing away with it. Understanding conflict is therefore imperative if conflicts were to be successfully managed.

There are many theories on the causes of conflict. However, all these can be classified as either being microcosmic or macrocosmic theories of the causes of conflict. The microcosmic theories deal with the causes of conflict on the person-to-person level while the macrocosmic theories on conflict deal with the causes of conflict at the societal as well as the international level.
This chapter addresses the causes of conflict on the two planes. However, since no single theory can adequately explain why there are various conflicts, and indeed no single theory can explain any given conflict, the chapter only conclude with a cross-examination of the various theories as they relate to conflicts. It is only after understanding the theories of the causes of conflict in general can a discussion on the causes of conflicts in Africa can take place. This chapter aims at laying that groundwork.

2.2 THEORIES ON CONFLICT

There are a number of issues surrounding international conflicts (crises and wars). To understand them, there is need to be well appraised on their causes, conduct, as well as their consequences. In particular there are theoretical and normative issues, which have relevance for understanding war as a general political phenomenon. For the post cold war era, greater emphasis has been laid on the emerging forms of warfare or as Holsti (1996:1-46) puts it, “Wars of the Third Kind”.

Conflict in its many forms, is a permanent feature of human society. While not all conflict is destructive, the violent conduct of conflict has caused innumerable deaths and indescribable pain and suffering. It is this kind of deadly conflict that International Conflict Analysis addresses. Theories of international conflict try to understand causes, to explain effects and to describe dynamics of conflict and war in order to prepare actors, be it state governments, international organizations or individuals, to better manage them peacefully or to prevent them in the first place.
Over centuries, inter-state war has been the major concern. Many books and articles have been written on the causes of war and the prospects for peace among sovereign states in world society. A great deal of knowledge has been acquired on the peaceful settlement of inter-state disputes. This knowledge is very important and it is still growing. Today, however, the vast majority of conflicts and potential conflicts are internal conflicts, most often in states undergoing major political, social, and economic transition and dislocation. Those conflicts have different causes, different effects and certainly different dynamics from those witnessed interstate conflicts. They need innovative theories of communal and ethnic strife and new approaches to conflict management and prevention. It has been noted that when international conflict changes, International Conflict Analysis has to change as well. For this reason, theories are being developed to address emerging phenomenon such as civil wars and ethnic conflicts. The approach is to employ not only traditional theories, but also innovative approaches and methods.

Therefore, in using any given theory on conflict to explain conflict, it should be kept in mind that conflict has changed systematically over time in important ways, raising important new questions and at the same time old issues remaining. At the same time, there are a number of different theories about why conflicts occur some of which are based on either normative, practical, domestic, or strategic issues intertwined in the conduct of war both between and within states. Domestic political constraints, attitudes, goals, and functions play a key role in determining when and how wars are fought. That is, war does not take place in a vacuum or in a purely military setting. Because of this, it is sometimes possible project into the future and makes an assessment of how
international conflict is likely to change or remain the same in the future since politics are an integral part of war, and war is not solely a military enterprise.

Classical theories on conflict tended to centre on man as being predisposed to conflict, whereas others opted to address the same issue by pointing out that the society may actually be the ultimate cause of, or raison d’etre for conflict. From this debate arose the classification of, on one side, micro cosmic theories on the causes of conflict which centred on man, and the other side was represented by Macrocosmic theories on the causes of conflict which cantered on the society as the cause of conflict. Kenneth N. Waltz (1968), in his book Man, the State, & War, tried to present these scenarios so as to answer the question “What are the causes of war? Professor Waltz examined the ideas of major thinkers throughout the history of Western civilization. Waltz explored the works both by classic political philosophers, such as St. Augustine, Hobbes, Kant, and Rousseau, and also by modern psychologists and anthropologists to discover ideas intended to explain war among states and related prescriptions for peace.

Waltz divided his finding into what he calls three images and discusses the causes of war accordingly. He contends that man's problematic nature is the primary cause of war in his society and appropriately designates this as the first image. The hypothesis of the first image is provided by a hypothetical clash between Waltz as a neo-realist against the propositions of classical realism as presented Hans Morgenthau. Waltz’s second image is represented by the state and the nature of the state as a cause of war. Once again, waltz primarily based his arguments on early realism with Rousseau as the definitive scholar of
the time. Finally, Waltz presents his third image as the nature of the international system as also being contributory to the proliferation of war in the world. Unlike the first two images, the third image opts for a systems-level approach; suffice to say it is also the shortest presentation in the whole book.

All through Waltz's book it becomes clear that there are inherent causes of war in all the three levels or images. However, we cannot explain the causes of war by just looking at a single image. The book is not intended to be an end in itself for explaining wars in international relations. All it does is to provide the reader with a theoretical framework of international relations. The three images of analysis provide for a generalization of the system in which war is promulgated. This book argues on the question of what level of analysis is best at explicating the cause of war. As such the book does not provide a simplistic answer to the cause of war, but rather guides the reader to greater or better understanding of the causes of war.

Lawrence Freedman (1994) also tried to answer the same question in his book titled, "War". War is an attempt to compile, for the benefit of the general readership, readings deemed to be sine qua non for anyone interested in war studies. Freedman, who is widely recognized as a leading strategic analyst, has also written extensively on a wide range of military issues and events, including the role of US intelligence, the Soviet strategic threat, and the evolution of nuclear strategy.

War, attempts provide answers to such questions as; what are the causes of war? How
were they fought in the past and what are the prospects for the future? Are there basic principles which should shape the conduct of war if it is to be successfully prosecuted? In what ways, if at all, can this conduct be moral? In an attempt to provide a response to these queries, Freedman (1994) compiles a total of 97 brief extracts from a wide variety of works by historians, political scientists, philosophers, sociologists and economists, as well as practitioners of war. These 97 extracts are organised into seven sections, the first being "The Experience of War" which attempts to provide the reader with a sense of war in real life. The selections comprise extremely fascinating extracts from oral or written records of participants of war at all levels, including a French infantryman at Waterloo in June 1815, a survivor and a perpetrator respectively of the strategic bombing raids in London and Duisburg during WW II, an observer of ethnic cleansing in Bosnia in June 1992, and a transcript of President Kennedy's decision-making during the Cuban Missile Crisis of October 1962.

The second section, 'The Causes of War', begins the more academic but no less interesting portion of the book, and includes selections from major theoretical works on the factors causing war. Thus the ideas of leading scholars such as Kenneth Waltz, Quincy Wright, Martin van Creveld and Raymond Aron, are extracted. The following section, 'War and the Military Establishment', deals with the basic question of the relationship between the armed forces and the wider polity and society, containing insights into the military as a profession, the role of the military in politics, and the bureaucratization of the military. The rest of the book presents the ideas of classical strategic thinkers such as Clausewitz, Jomini, Douhet and Corbett, as well as more recent
strategic analysts such as Beaufre, Luttwak and Schelling

However, these two works are largely concerned with the issues of war before or during the cold war period. During this period, the classical theories on the causes of war were largely accepted. Perhaps Joseph Nye’s 1996 book “International Conflicts after the Cold War” is instructive on the trend of conflict in the post Cold War era. Nye explores the nature and causes of global, regional and communal conflicts. He also evaluates various approaches to conflict prevention. He presents that there are two general approaches to understanding the causes of international conflict. On the one hand, Realists argue that "wars arise from the efforts of states to acquire power and security in an anarchic world" (Nye, 1996:66). On the other hand, Liberals argue that conflicts "are determined not only by the balance of power, but by the domestic structure of states, their values, identities and cultures and international institutions for conflict resolution" (Nye 1996:69). Realism implies a pessimistic view of the usefulness of international institutions in preventing conflicts. Strong international institutions can only exist when there is sufficient agreement among the great powers to allow them to exist. Disharmony among great powers makes strong international institutions impossible. Liberalism supports trade, since trade makes nations more interdependent, and so less likely to go to war. Liberals also note the democratic nations almost never go to war against one another.

Realists describe conflicts in terms of power balance, military capabilities and territorial interests. Currently these factors favour a stable system of regional and global conflict deterrence. The liberal approach to conflicts seems to be more helpful in understanding
the remaining communal conflicts. Communal conflicts are driven by domestic issues, and by identity, culture and value conflicts. While the liberal analysis of conflicts sees a significant role for international institutions in conflict management. Current international institutions need to be strengthened and new approaches developed. Institutions which allow for both multilateral and unilateral interventions are needed.

But according to Nye (1996), neither view is adequate on its own. By drawing upon elements of both perspectives, Nye describes two sources of great power conflict. First, power transitions often lead to conflict. Declining nations may attempt to put down rising competitors. Sensing weakness, growing nations may attack declining ones to secure a more favourable place in the international system. He further postulates that the present era is one of dramatic power transitions and that the United States is the only super power and it is the U.S.'s enduring and clearly superior position that tends to stabilize the international system. At the same time, the nature of power and the ways in which power is exercised, play important roles in causing or preventing conflicts. In this respect, Nye argues against the liberal views that economic power has not eclipsed military power in international importance. However, the use of military force has become both more expensive and less effective.

Nye points out that, "Rising powers have fewer incentives for territorial aggression than they have had throughout most of history because the route to prestige, power and economic success in the modern era lies in high technology production and human capital" (Nye, 1996:68). At present, the nature of power and of power transitions makes
military conflict between the great powers highly unlikely. Adding to this stability is the fact that Europe and Japan, two leading powers, are both democratic and closely allied to the U.S. Nye concludes that "shared values, stable expectations, and interlocking institutions have become so powerful among these three power centres that wars among them...are unthinkable."

It is interesting to note that Nye bases his last argument on the lack of incentives for territorial aggression. This is in line with the thinking of the former theories on the causes of war and aggression. This may not be in order in the present day world system because by and by, the nature of war has greatly mutated especially after the cold war. There has arisen what Kelevi J. Holsti (1996) termed as "wars of the Third Kind". In his article that appeared in the book "The State, War, and the State of War", Holsti contends that a lot has changed in the nature and forms of war since the eighteenth century. The wars in the eighteenth century on average lasted for less that two years, and they had a regular sequence starting from the initial crisis, followed by the formal declaration of war, a decisive defeat in battle or a stalemate, which finally led to a negotiated peace.

However, according to Holsti, wars of the 20th century last for decades. Their aim is not territory, resources, crown or navigational rights. On the other hand, they seek to establish a particular kind of state. These wars are about statehood, governance, and the role of the peoples within states. For instance, no great power since 1945 has been at war, furthermore, North America and Western Europe have been no war zones since 1945. Interstate wars have become a small or medium power activity, and though data is not
available from previous centuries, intrastate wars were very rare.

Holsti presents three criteria for distinguishing forms of war and those are; the purpose of the war, the role of civilians and the duration or phases of war. He then goes on to present the major types of war that have been witnessed since 1648. The first type was the institutionalized war where the conduct of battle reflected the culture of enlightenment. Troops were organized and centrally commanded, restraint was practiced in battle and clear lines were drawn between combatants and non-combatants. The ideal war was described as one where civilians were not even aware it was going on. Total war was the second type and the purpose of war became unlimited and the aim was to annihilate the enemy. Codification of the rules replaced the unofficial rules of the eighteenth century. This codification further resulted in international negotiations agreements such as the Geneva conventions, and The Hague conferences that reviewed and amended some laws and customs of war.

Finally, Holsti turns to the phenomenon of wars of the third kind whose characteristic he gives as lack of fronts, campaigns, bases, uniforms, publicly displayed honours, points d'appui as well as territorial limits of states. He further states that there are no set strategies and therefore, surprise and unpredictability are both necessities as well as virtues. Wars of the third kind are represented as a weapon of the weak that must often rely on guile and sometimes crime.

As can be noted above, wars of the third kind do not respect traditional rules of warfare.
Laws of neutrality no longer apply because formerly neutral parties have been actively involved in these wars by providing logistical support, arms, funds, and sanctuary to the belligerents. The main strength of the wars lies in the support from the civilian population who provide logistical support and intelligence though civilians do often become targets of aggression. He concludes that wars of the third kind are fundamentally about people and not interests. It is the people and not the combatants who pay the greatest price.

It is then unfortunate that the wars witnessed all over Africa are wars of the third kind. The classical theories on the causes of war may not fully help to explain the proliferation of these wars more so during and after the cold war. It is no wonder then that states that have been embroiled in conflict especially civil wars have lost so much in terms of lives lost, stalled economies, and in extreme cases failed states like Somalia. The kind of devastation that has been left in the wake of African wars is overwhelming. It cannot be said to be that these wars occur with the civilians being oblivious to their ongoing. By and large, the civilians are taking part and are the victims of these wars.

K. Y. Amoako, the UN Under-Secretary-General and Executive Secretary of Economic Commission for Africa while addressing the 70th Ordinary Session of the Council of Ministers of the Organization of African Unity in Algeria on 8 July 1999, listed four hypotheses have been advanced to explain why civil wars happen in Africa. The first is innate ethnic and religious hatred, where these hatreds are then exploited by ambitious leaders; The second is national grievance, where the performance of a government is held to be against the national interest; The third is distributional grievance, where
government performance is held as having been particularly discriminatory against a
given group or groups in society; The fourth is employment, where rebellion is an
employment choice motivated by the opportunity cost of employment and the
prospective gains from capturing the state and its resource base.

But according to a study commissioned by the World Bank in 2000 and compiled by
Collier, P., Elbadawi I., among others, Africa's civil wars are not due to its ethnic and
religious diversity contrary to popular belief. Using recently developed models of the
overall incidence of civil wars in 161 countries between 1960-1999, their paper draws
lessons with special reference to Africa, showing that the relatively higher incidence of
wars in Africa is not due to ethno-linguistic fragmentation, but rather to high levels of
poverty and, especially, to failed political institutions. Thus their prescription for lesser
conflicts in Africa is improved or better levels of political freedom, much higher
standards of living and diversified economies. To achieve economic development and
hence contribute to prevention of future wars, both “appropriate” political and high
quality institutions for economic management would be required for mitigating possible
adverse economic consequences of social diversity. All in all, the government should use
its state machinery to improve the welfare of its citizenry, not against it, as has been the
case.

Amoako and the Elbadawi team concur that African conflicts are inextricably related to
poverty, particularly the lack of human capital, which influences the probability of a civil
war. High levels of Poverty mean that young men have no stake in staying where they are
and joining a rebel army becomes a viable employment opportunity. They also contend that conflict is related to the inequitable sharing of valuable natural resources. This failure has led to a number of conflicts and exacerbated many others. And, whenever territories rich in natural resources are captured by marauding militias, these resources are most often looted, to provide funding for the conflict to continue. Finally, conflicts are more likely to break out where there are dysfunctional governments - characterized by weak, undemocratic economic and political institutions. All these form a vicious cycle which has led to the dictum that poverty is both a cause as well as a consequence of conflict.

It must not be construed that wars of the third kind are a preserve of Africa or the third world. Nye (2002) agrees to the fact that regional conflicts seem more likely than great power conflicts. Regional conflicts occur when one nation attempts to establish regional hegemony. Such conflict will tend to draw the participation of the great powers. Even though Nye argues that the great powers will likely be united in their view of regional aggressors as threats to international stability, their participation in the conflict may be blurred over time. Conversely, the great powers may take sides against each other in a given conflict hence greatly altering its dynamics. These scenarios were replayed over and over in many an African conflict during the cold war. This may result in either the belligerents playing the powers against each other which will lead to a proliferation of arms or thirdly, a war pitting the super powers against each other may soon be sustained only because of the support received from them long after the belligerents themselves have forgotten why they went to war in the first place.
New issues are emerging in the post cold war period and they are all tied together by the nature of the globalised economy, which has undermined states' sovereignty and independence, and so undermined the power and legitimacy of many governments. Economic changes have also threatened many group identities and communities. Such groups have become susceptible to the parochial political appeals of political, national, and ethnic demagogues who hope to seize power in states whose governments have been weakened by the collapse of communism or the ebbs and flow of the global economy. States which lack a strong central government are also at risk for communal conflict. Modern communications makes such appeals more effective and easier to propound. In many cases comparatively minor differences have been exaggerated into the grounds for bloody conflict.

2.3 THE MICROCOSMIC THEORIES ON CONFLICT

There are specific ways in which conflict is understood. One of the microcosmic theories on the causes of conflict is the Inherency versus contingency theory. The theory argues that man is generally predisposed to being aggressive. Whereas the inherency theory has it that something will always happen and we cannot do anything about that, the contingency theory holds that that something will happen because it is based on another event happening. Thus in inherency, people get themselves into incompatible goals not because they wanted it to be so but because that is the way it was supposed to be. This is in line with Sigmund Freud's contention that human beings will always have antisocial desires and views because these are inborn. Nevertheless, we have to include the environmental factor, which according to John Locke, it is the environment that shapes
human behaviour. Thus Locke holds that there is no inherency of conflict in human beings.

But what predisposes groups to engage in conflict with other groups? One theory that tries to explain this is the ‘Relative deprivation’ theory. According to Gurr (1970), the theory offers an explanation, which is based on the contrast between groups’ expected and actual access to prosperity and power. Relative deprivation arises after an individual feels that he or she is lacking in something that is entitled to them. For this to arise, the individual needs to have a reference person or group to compare with. Thus the model of comparison lies at the centre of this theory. This introduces the notion of space and time because an individual could compare himself either to a time past or to where he expects to be at a given time in the future. There are two types of Relative deprivation. There is absolute relative deprivation and ‘relative’ relative deprivation. These groups are listed in relation to the individual who may feel deprived. In absolute deprivation, the discrepancy is between what people have and what they need. This could be regarded as more genuine more so if they what they need is a right. For example, for pastoralist communities, they could be looking for grassland or water for their herds. They need these commodities to survive.

This approach is closely related to ‘group entitlement’ theory, which places more explicit emphasis on ethnic factors that accompany the economic and political differences. However, Smith, (1997:30) argues that ethnic diversity does not in itself seem to be a cause of war. If it were, the most war-prone states would be the most ethnically diverse,
which is in fact not the case. Indeed, as Collier (1999) concurs, it may well be that ethnic and religious fractionalisation reduce the risk of violent conflict perhaps because it encourages divergent groups to learn the skills of living together despite diversity. When this learning process fails, however, ethnic diversity may turn out to exacerbate conflict and increase the likelihood of serious escalation, because it offers fertile material for political mobilisation. Johan Galtung (1967) argues that there are aspects of structures or systems that exacerbate the relative deprivation gap. Whereas individuals can often resolve their differences, structures or systems (i.e. environments) are often set up in a way that does not allow resolution to occur. Galtung uses the phrase “structural violence” to describe how the structure becomes or causes the individual or the group to become violent.

Economic conditions emerge as the most important explanatory factors. The key issue here is a low level of economic development (Hauge and Ellingsen 1998). This may be indicated by a low average Gross National Product per capita, by a disproportionately large agricultural sector, or by a country’s economic vulnerability to shifts in world markets in commodities and capital (Avery and Rapkin 1986). Like Hauge and Ellingsen (1998), Auvinen (1997) identifies lack of democratic openings as an important secondary factor in addition to poor economic conditions. These findings are qualified by the arguments and evidence put forward by Collier (1999) that, even in poor societies, leaders are usually competing with one another for control of the available economic surplus, small as that may be. When the available surplus is small, as in poor societies or where there has been catastrophic slump, competition for it may be particularly intense,
and a violent escalation will very likely result. The terrible violence in Liberia from 1989 to 1997, the war in Sierra Leone since 1991, decades of warfare in Angola and the cycles of massacre and brutality in Burundi and Rwanda are among the many examples highlighted by this approach.

Nevertheless, it is foolhardy to argue that Economic development reduces war. The problem with this argument also called the "Manchester hypothesis", is that no form of economic development has ever been able to forestall war. At the same time, industrialised war makes war even more destructive. The possibility of a full-fledged nuclear war and the ensuing Mutually Assured Destruction (MAD) lent a new meaning to the concept of deterrence as well as the understanding of balance of power.

The theory of Balance of Power has also been used to explain the prevalence of conflict. In its Realist characteristics, the theory points out the formation of alliances, buying of weapons (arms transfers) or the building of weapons (arms races) as some of the lengths states would go to so as to assure themselves that they can adequately respond to threats of perceived threats. Dougherty and Pfaltzgraff (1996) lists a number of purposes and functions of the Balance of Power, the theory was supposed to prevent the establishment of a universal hegemony, preserve the constituent elements of the system and the system itself and also to ensure stability and mutual security in the international system. There are various systems in balance of power theory, which are all based on means of bringing about a perceived equilibrium. The first system is represented by the search for equality. In this system, states or alliances seek the cooperation of others that are approximately
equal in power so as to avoid ever having to fight against them. In other cases, states may join an alliance where one state or alliance has clear advantage in power. This Hegemonic preponderance can be well illustrated by the tendency of aligning oneself to an hegemony such as the USA, UK, Rome, China. States may also go for a collective security where all states agree to ally against any aggressor state. This was in part the thinking behind the formation of the United Nations and even the League of Nations before it.

Within realism, there are myriad of scenarios that have been played and replayed to show that war is inevitable. These scenarios are all based on power, or lack of power as the primary motivator to war and conflict. In his book War, Freedman (1994) discusses four kinds of war, which he labels Wars for gain, Fear, Doctrine as well as dynastic wars. He argues that the first two cases, namely wars of fear and those for gain are both unjust and lawless whereas the later two are both justified and legal.

2.4 THE MACROCOSMIC THEORIES ON CONFLICT

According to Dougherty and Pfaltzgraff, social scientists who adopt a macro approach to human phenomenon tend to regard conflict as part and parcel to group existence (Dougherty and Pfaltzgraff, 1996:233). In this respect, conflicts play significant roles that serve to hold the group together. Conflict therefore helps establish a group identity, clarifies group boundaries and contributes to group unity. Conflict especially when directed at an external enemy also has the ability to release aggressive tendencies within the community. Virtually all communities have laid down rules on how conflicts are to be
handled be they internal or external conflicts. It is therefore easy to conclude that the very existence of communities creates conflicts.

Karl Marx in his book *Das Kapital* written in 1867 took this a step further and suggested that the only way to do away with conflicts in society is to do away with classes in society. Marxism focuses on the structure of society as the cause of conflict, as opposed to viewing individuals as agents of conflict. Thus, it is imperative to deal with the whole class in the class struggle as opposed to rising up against an individual within that class. This means that it's individuals in those institutions who are agents of change and whenever their expectations are not met, the whole institution has to be overthrown and not just the individuals who are its representatives.

Microcosmic theories on conflict can at times also be extrapolated to relevance on the macrocosmic level. Examples for this can be drawn from the frustration aggression theories as well as the theory of relative deprivation. In the very same way individuals can feel relatively deprived as compared to others, groups can and do feel relative deprivation when they compare themselves to other groups. When feelings of economic repression, frustration, and despondence about the future are coupled with perceptions of ethnic repression and religious persecution, the community becomes susceptible to sparks of violence.

In a number of African countries, this has given rise to feelings of negative ethnicity which more often than not leads to civil unrest. Features of ethnicity include common
ancestry, religion/ideology, language, territory, shared culture, customary mode of living, shared history, common institutions, and race. This has been used by leaders and politicians to fuel animosity between various communities. In Kenya, various communities were put on a collision course during the lead up to the general elections held in 1992 and 1997. According to a report by a parliamentary select committee set up in 1998 to look into the “tribal wars” and led by Akilano Akiwumi, politicians sought to ensure that people who were perceived as non-supporters were chased away from their localities, in a bid to ensure that they got re-elected to parliament. The same trend of pitting ethnic communities against one another has been witnessed in other African countries such as Rwanda, Burundi and Liberia.
CHAPTER THREE

3.0 CONFLICTS IN AFRICA

In this chapter, the researcher aims to review the literature on African conflicts in general as a basis of discussing conflicts in African states. The next step will be to look at the various efforts that have been made in attempts to manage these conflicts with a special focus on the economic sanctions as a tool of conflict management. Economic sanctions are used at various levels of the International Community and the usage has not always bred positive results. Thus the researcher will expose the origins of economic sanctions as well as have a look on the place of economic sanctions in International Law.

The study will then move on to the use of economic sanctions in Africa before proceeding to the sanctions that were instituted against Burundi in 1996. Special attention will be given to the effects of the sanctions such as the added burdens on displaced persons and relief programs. The economic sanctions in particular created shortages of fuel, fertilizers, medicines, and other basic humanitarian supplies. Aid shipments to some needy populations had to be discontinued.

3.1 CONFLICTS IN AFRICAN STATES

The African continent has been plagued by conflicts both violent and social. Conflicts occur in all areas of life. Its forms range from intensive armed conflicts between and within nations to neighborhood disputes. In Africa, conflict is manifest on many fronts including religious, political, cultural as well as economic. “Understanding the causes of a conflict is critical to stopping and preventing war [and] the causes may be complex and
country specific, and may involve long-term and short-term issues”. (Michailof et al, 2002:3) Violent wars in Africa have taken an enormous toll on civilians, armed forces, young people and national resources. Africa’s colonial legacy continues to challenge Africa in dealing with reconciliation and nation building.

For the past thirty years, at least since the end of the independence struggles of the 1960’s, Africa has been plagued by all kinds of disasters. Drought, famine, malaria, Aids, it has been one after the other. But with all the malaises the continent has confronted in its path to growth and maturity, none is greater than the man-made disasters. The greatest harms done to Africa and its people were African made. These derived from problems of governance and the greed for power, and as Abdoulaye W. Dukule said, “it is wither an Ojukwu in Nigeria seeking to carve a republic of his own out of the great Nigeria or a Dr. Savimbi in Angola, fighting an ideological war at a time when most people don’t even remember the divide between East and West ideologies.” (Dukule, 2001)

Conflicts in Africa are often portrayed in conditions of deep poverty, illiteracy, and weak systems of governance, undermined and unfavorable terms of trade and indebtedness, administrative failures to respond to social needs, underdeveloped infrastructure, low levels of education and widespread corruption. Governments are hard pressed to also cope with ethnic, communal, religious and regional rivalries. Liberia and Somalia represent examples of “failed”, “collapsed” or “fragmented” states where conflicts were and are being prosecuted by sub-state actors acting in virtual power vacuum.
Conflict in Africa has also been depicted as resulting from a clash between modernization and other entrenched forces in society. For example, leadership in Africa is largely authoritarian and based on systems of economic and social patronage. Any movement that is seen to question the status quo is quickly disgraced and state machinery used to keep it in check (Legum, 1999:23-29). The parochial nature of leadership has been misused to ensure unequal access to resources such as land and social services and a denial of the right to self-determination and exercise of political choices as a means of guaranteeing loyalty to the leaders.

A number of other authors have listed the various causes of if conflicts in Africa. Earl Conteh Morgan for instance argues that the coming of Europeans to Africa “exacerbated many ethnic divisions... so as to accommodate European equilibrium in Africa (Morgan 1997:93). He further notes that “the authoritarian nature of many African governments is a residue of colonial rule itself”, and goes on to elaborate that the context of African conflicts has for long been misunderstood (Morgan, 1997:94-117). Whereas European entry into Africa upset the status quo, he argues that many of the problems faced by Africa today are a creation of Africans and they could be easily avoided if things were done differently. Disproportionate allocation of resources to the military and the executive arm of government, have acted to bring about disquiet in African politics. Poverty is a direct result of monopoly of power and privilege and these breeds conflict. Any attempt to fight poverty must first tackle the leadership question. Bad governance and lack of information flow blocks dialogue, which is vital to nation building.
In a report commissioned by the World Bank, Serge Michailof (et al) (2002) look at the historical perspectives of conflicts in Africa where they address the Wars of Independence, Secessionist conflicts, rebellions, and interstate conflicts (Michailof, 2002:2). However, conflicts in Africa as well as in the rest of the world have increasingly become internal in nature. This new direction of conflict has been witnessed largely after the end of the cold war. Their report goes on to list and discuss causes of internal conflicts in Africa. Causes discussed include History, Demographic changes, Poverty, Illiteracy, and unemployment, and feasibility of predation. This refers to a recent (April 2002) research that showed “a close correlation between the risk of conflict and the predation of natural resources - that is, the possibility for rebel groups to either exploit natural resources or to easily tax their production and transport” (Michailof et al, 2002: p3).

Conflicts continue to plague African societies and the struggle for peace is much more urgent than it has ever been. Not all conflicts in Africa are similar. What is common is the suffering, agony and poverty it brings on the people. War devastates not only the human beings, but also the whole ecosystem and upsets the lives of many generations to come. The Secretary General of the United Nations Mr. Kofi Annan said that poverty “makes Africans more vulnerable to war and disease. And war and disease constantly thwart Africans’ efforts to lift themselves out of poverty” and went on to add that, “a country in conflict means underdevelopment through the suppression of great minds.” The demand for the resolution of these conflicts is strong among the people of Africa.
With Africa’s diminished global strategic importance in the post-Cold War era, new conflicts have emerged, while older ones have mutated (Harberson et al: P209). Prominent among these post-Cold-War conflicts have been Rwanda, Burundi, Liberia, Somalia, Sudan, Sierra Leone and the Democratic Republic of the Congo (DRC). The nature of the DRC conflict demands special mention having drawn at least five sovereign states into the conflict.

Violent wars in Africa have taken an enormous toll on civilians, armed forces, young people and national resources. Africa’s colonial legacy continues to challenge Africa in dealing with reconciliation and nation building (Harberson et al: pp23-37). A breakdown of African social systems has led to divisive social conflicts that often develop into ugly violent scenarios. Such conflicts have taken enormous toll on Africa’s human resource base, by killing innocent civilians, children and armed combatants whose energy in fighting could have been redirected to building prosperity.

Another result of armed conflict is the large-scale displacement of civilians, both within the frontiers of a country and across international borders. The issue of Internally Displaced Persons (IDPs) has become one of the major concerns of International Humanitarian Law following the realization that refugee laws cannot be stretched to cover this special group. Nevertheless, the issue of displaced persons and refugees in general can be said to have greatly contributed to the change of attitude towards the sovereignty principle. States realised that whenever refugees cross borders, the conflict is no longer strictly an internal affair.
The colonialists created many artificial boundaries during their plunder of Africa. The effect of this was to put many different ethnic people within a nation that did not reflect, or have the ability to accommodate or provide for, the cultural and ethnic diversity. This has been a cause of the Ethiopia Eritrea war, among others. Thus, to effectively manage conflicts in Africa, Africans need to devise their own systems of governance in accordance with their culture and identity. While democracy is vital, multi-party elections are not the panacea to the social ills afflicting Africa (Waal: 2003:38-41). Attempts must be made to ensure a level playing field for all concerned. Democracy cannot be achieved where one group has access state resources and the media and has the means for extorting funds to run its campaigns. When one group is in a position to declare elections, there is a high chance that it will fail to fulfill the basic requirements for ensuring committed governance because the people will not get a chance to freely exercise their rights.

In trying to understand the Burundi conflicts, it is mandatory to investigate the military aspect to the conflict. African military’s involvement in politics is not confined to Burundi alone. While at the State University of New York at Buffalo, Claude Welch wrote a treatise on this phenomenon in an article titled “The Roots and Implications of Military Intervention.” (Welch, 1970:1-59) The article addresses the issue of military involvement in active politics. Military involvement in politics took a path that can be easily recognized across the continent though the pertinent issues vary from country to country.
Welch (1970) starts his argument by stating that political violence is not stranger to Africa. He goes on to trace the history and nature of the military’s involvement in politics by dividing the history into three parts. His classifications are depended on the role that the military played. He first presents the period of relative passivity and absenteeism from politics, the second era is the resentment against European officers and political leaders while the third era was marked by coups d’état which signified full scale military involvement in politics.

Unlike other sectors, the military was slow to embrace change thus, during the first period, the African armies were generally under expatriates. The forces were direct descendents of colonial administration and this meant they were not meant for active involvement in politics. Another factor that curtailed the occurrence of mutinies was the possibility of external interference and the poor state of African armies in terms of equipment and organization. Political parties had also attracted the best brains leaving the military to be considered as a refuge for the illiterate.

The second era was characterized by mutinies owing to dissatisfaction within the ranks over internal military issues. The mutinies were not directly political though they ultimately had political consequences. Some of the reasons for the mutinies include, pay, Africanization of the army, and promotions. A good example was made by Togo whose army mutinied and after assassinating the president, handed power back to civilians.
In the third era, Welch presents the case of Coup d’état or full-scale military involvement in politics. The reasons for this were complex and varied from case to case. They often involved a combination of economic, cultural and political factors. He discusses eight main reasons, which include declining prestige of political parties and increased awareness among the military of their potential, as well as the decreased possibility of external intervention.

According to Welch, common in all the military takeovers was the theme of national reconstruction. The political parties had failed to deliver on the pertinent issues that were expected to come with freedom and the military felt the need to fill this gap. This was made easier because in many a case the ruling parties had lost touch with the grassroots. Welch notes that command of weaponry was not the sole distinguishing factor between the military and the political parties. Organizational characteristics of the armies are remarkable and this in part helped the military in being thorough. The author also looked at the possibility of the military officers gaining legitimacy. He addressed three ways that could be used to achieve legitimacy such as; by gaining or creating social and political bases for support and this is the most feasible method. The other two are by avoiding recourse to excessive use of force or by building effectiveness over an extended period of time.

Finally, Welch explores the possibility of the end to military involvement in politics for which he gives two scenarios in response. The first involves officers becoming civilians
and the second by voluntary withdrawal such as were the cases of Dahomey and Sierra Leone in 1968.

Elsewhere, Colin Legum also traces the phenomenon of military involvement in African politics (Legum, 1999:32-36). He concludes that military regimes were never better than the civilian regimes they deposed. In many a case, they acted selfishly, and quickly assumed the tendencies of the regimes they had ousted though their aim was originally to do better. Legum also notes that since the military had no experience in management, the civil service became their collaborators in mismanaging the public coffers.

3.2 CONFLICT MANAGEMENT IN AFRICA

Conflicts continue to constitute one of the greatest challenges facing the African continent in the 20th Century, and will no doubt persist well into the 21st Century. Issues of governance, identity, resource allocation, and power struggle coupled with personality cults and the problem of state sovereignty have indeed conspired, not only to cause staggering losses of human lives, destruction of property and environmental degradation, but have provided Africa with the unenviable record of hosting more than seven million refugees and over twenty million displaced persons.

While conflicts are a constant in history, and are part and parcel of the dynamics of society, African conflicts should be viewed in their specific historical context. According to this dynamic perspective, the nature and intensity of African conflicts are the results of a complex, dialectic relationship between internal social factors and the structure of the
external environment (Legum, 1999:3-16). What changes is the nature and intensity of conflict, as a result of two main factors: internal social factors, such as ethnicity, class and religion, and changes in the sub regional, regional, and international environment, which have various degrees and levels of influence on the internal situation.

In this era, during which Africa is seen as being at the crossroads, it is necessary to focus on the way in which Africa will travel particularly in terms of the capacity of Africans to manage their own conflicts and to conduct peace operations. Though there is will power to take conflict management in Africa upon Africans, key challenges faced include lack of developed organs and resources to undertake the tasks at hand.

Management and resolution of conflict refers to mechanisms that address a political conflict once it has turned violent. Actual resolution of the conflict lies with the conflicting parties, and third party intervention cannot be successful if the conflicting parties do not wish to put a stop to the conflict. Conflict management requires both commitment and patience but it also requires resources, technology and organizational capacity. Africa has demonstrated the commitment and patience but its efforts must be actively supported by the provision of the needed resources by the international community.

Conflict management has been undertaken at various levels in Africa. There are efforts undertaken by various individual countries, regional bodies up to the level of the Organization of African Unity, as well as by external efforts collectively termed as the
International Community. The various actors in the management of African conflicts come in with various strengths. Whereas the International Community comes in with the resources, African states are increasingly being seen as possessing the willpower and determination. The responsibility for managing conflicts in Africa should ideally be with the African states, singly or collectively, however the capacity to provide the resources rests mainly with the international community. Combining will and resources can be the true manifestation of cooperation between Africa and its international partners.

In principle, conflict management, like conflict prevention, must be truly a complementary effort by the Africans and the international partners. This requires close collaboration among various parties to conflict management, in particular, between the UN and the AU. The two organizations should discuss ways of establishing formal modalities of collaboration in order to share operational responsibilities for addressing conflicts in Africa under Chapter VIII of the UN Charter.

The relationship between the UN and the OAU, as mandated in their respective charters, should be one of complementarily. Chapter VIII of the UN charter spells out the importance of regional organizations in the maintenance of international peace and security, while the OAU’s security Mechanism requires organization to “cooperate and work closely with the United Nations not only with regard to issues relating to peacemaking but also those relating to peacekeeping”. The OAU Mechanism also notes that in situations where conflict degenerated to the extent of requiring collective
international intervention and policing, the assistance or, where appropriate, the services of the United Nations will be sought under the general terms of its charter.

There have been various attempts by the Organization of African unity to manage conflict at the continental level. One such attempt was by the creation of the “Mechanism for Conflict Prevention, Management and Resolution” in 1993 to address conflicts in Africa. The performance of the OAU Mechanism since its creation reveals that while the organization has become involved in issues that previously would have been considered as purely "internal" matters (issues related to intra-state conflict, unconstitutional changes of government, and elections), the Mechanism continues to be hampered in its actions by key provisions in the OAU charter. Specifically, some member states still continue to view sovereignty as sacrosanct and, by so doing, place severe constraints on the Organization’s scope of action and room for maneuver.

This major hindrance to conflict management by the OAU came about from article 3(2) of its charter, which called upon all states to refrain from interfering in internal affairs of member states. Until recently, the acceptance of the principle of non-interference by the African countries in the internal affairs of a sovereign state caused Africans to leave the responsibility of managing conflict in their own continent to the international community. African countries through the OAU have undertaken a major part in conflict management within Africa. This can be seen from the African role in Burundi, Rwanda, Liberia, Somalia and Sudan. These examples illustrate the African collective will to take responsibility for conflict management in Africa. The international community,
especially the United Nations Security Council, has an indispensable role to exercise and it must fully assume its responsibility in conflict management in Africa.

In addition to increased conflicts in Africa, the OAU Mechanism's performance was also impacted by the changing international system preceded by the end of the Cold War and hence Africa's reduced strategic value for external powers. As a result, there is a long and, as yet, unsettled debate about the role of the United Nations and sub-regional organizations in Africa and their relationship with the OAU. This debate has centered mainly on questions regarding the appropriate division of labor between these organizations.

Thus, from the very establishment of the Mechanism, the OAU’s position had been that it would focus on the early detection and prevention of conflict, while the UN, since it holds primary responsibility for maintaining international peace and security, and has more resources, capacity, and experience, would take the lead in mounting peacekeeping operations in Africa, including maintaining command and control of military forces dispatched for this purpose.

Apart from their collaboration in field operations, the UN and OAU have worked together in diplomatic efforts. For example, the two organizations appointed a joint Special Representative to the Great Lakes region, and both have worked together to support mediation efforts in Burundi. Further collaboration between the OAU and UN is evident in the latter's decision to establish a liaison office at the OAU headquarters in
Addis Ababa to consolidate cooperation, facilitate the exchange of information, and coordinate efforts at managing conflicts in Africa. Finally, the OAU has, through its member states, provided personnel for UN peacekeeping operations in Africa and elsewhere. Despite this collaboration, there has been growing concern in Africa and other quarters about what is increasingly perceived as the UN's failure to respond adequately to conflicts in Africa.

Concerned about the slow and inadequate response to the conflicts in Rwanda and Burundi, the OAU once again stated its position in a 1995 Declaration, that while it could under exceptional circumstances conduct peacekeeping operations of a limited scope and duration, the UN was best placed to deal with peacekeeping operations. The issues of effective conflict management in Africa, the role of the OAU in peacekeeping, and the types of missions the OAU should or could undertake, were further defined at the 1996 and 1998 meetings of African army Chiefs of Staff. Africa's top military brass reaffirmed the OAU's focus on anticipating and preventing conflicts, but also suggested that the OAU should begin to develop the capacity to undertake limited peacekeeping missions.

It is imperative that the role of individual states in Africa should not be forgotten. In many ways actions of states greatly impact on the nature and dynamics of conflicts in other neighbouring states. For instance, arms flows into conflict situations are seen to be a major factor in escalating conflicts. Generally, these arms have to transit through neighbouring countries with or without the knowledge of the administration. In the absence of an inter-African agreement to prevent cross-border shipment of arms, there is
need for individual African countries to consider bilateral accords among neighbouring countries so as to manage the menace.

One of the efforts towards this end is encapsulated in the Nairobi Declaration of March 15, 2000 "On the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lake Region and the Horn of Africa". The declaration signed by the countries of the Great Lakes Region and the Horn of Africa sought to recognise the menace caused by small arms in the region and sought to chart a common way forward. Indeed, the problem of small arms requires concerted efforts of all countries if porous borders are to be sealed against arms flow.

Developing regional co-operation on conflict prevention and resolution is paramount in enhancing the capacity for conflict prevention in any given region. At a regional forum lessons learned and best practices can be exchanged on common issues and challenges in the region, thus providing an opportunity for co-operation between civil society institutions in the region, and also provide a focussed and shared response to preventing conflict.

The creation of an OAU Peace Fund to serve as a financial reserve for its peacemaking efforts raised hopes that the Mechanism would be able to overcome the financial woes that have plagued the organization since its inception. While the Peace Fund was able to raise revenue from African and external sources, there were major challenges in achieving its targets. Some of these challenges arise out of the recognition that available
resources have not been able to cope with the needs of conflict management of the continent. This is worsened by the failure of member states to remit their contributions, which brings to the fore, a need to find means for long term financing of the peace fund.

At the end of the cold war, many organizations realized that, the principles upon which many of the organisations were founded, were no longer relevant, nor were in a position to meet the post-Cold War security needs of the continent. The OAU, for example, was founded on the principles of ‘sovereignty’ and ‘pan-Africanism’ that, at the time of its inception, appeared to be the logical reaction to Africa’s colonial past. If states were to retain their independence and maintain stability successfully, these principles appeared to be crucial. The OAU’s preference for sovereignty and non-intervention in the internal affairs of member states rendered it powerless to address situations of poor governance and the abuse of human rights within many member states that threatened to erupt into violent conflict in some cases.

The story is more or less the same in Africa's sub regional organisations. The Economic Community of West Africa States (ECOWAS) for instance was founded primarily for purposes of economic integration, while the Southern Africa Development Community (SADC) evolved from a political alliance against apartheid, to an organisation later aspiring to economic co-operation. The Maghreb Union was founded to promote Arab unity, while Inter-Governmental Authority on Development (IGAD)’s focus was on development in north-east Africa, where it has gradually taken on the role of promoting peace and security, particularly in Sudan and Somalia. Having eventually come to the
realisation that the great powers were no longer strategically interested in Africa and as a result would not come to Africa’s rescue, African organisations gradually began to take responsibility for the resolution of their conflicts at various levels.

Over the years, it has become necessary for regional organizations in Africa to go a step further and include a clause on conflict management in their charters. This followed the immediate post Cold War developments, which relegated the African continent to the periphery of international politics. Sub Regional organizations had to adopt the mandate to address the numerous conflicts that were emerging on the African soil. Nevertheless, there is some legal restriction on the type of conflict resolution activity that regional and sub regional organisations can embark on. In efforts to manage or control conflicts or prevent their escalation to more dangerous and violent levels, it may become necessary to use or threaten to use force. In such a case, the UN Charter places a limit on the role of regional actors. Except in cases of self-defence, regional actors must seek the approval of the UN Security Council before embarking on the use of force.

Various conflict management initiatives have been undertaken at the level of regional organizations. This came about after the realization that there is need to have peace in a region for other developments such as economic development to really take off. Key regional bodies that have been active in managing conflict in their areas are the IGAD which is currently overseeing peace talks for both in Sudan and Somalia, The ECOWAS which is involved in Liberia, Ivory Coast among other hot spots in West Africa, and the SADC which oversees issues in the southern Africa region.
In addition to the efforts being deployed by the OAU, extra-continental powers have become increasingly involved in attempts to enhance African capabilities for the conduct of peace operations. A joint initiative aimed at improving preparedness for conflict prevention and peacekeeping in Africa, emanating from France, the United Kingdom and the United States, as a follow-up to the many and various parallel initiatives proposed by a number of non-African governments, was submitted to the OAU Secretary General on the margins of the Thirty-Third Ordinary Assembly of Heads of State and Government (held in Harare in June 1997). The joint 'P3 initiative', as it is known, is based on the principles of long-term capacity enhancement, legitimacy, openness, and transparency.

3.3 ECONOMIC SANCTIONS AS A TOOL OF CONFLICT MANAGEMENT

To have power over someone is to possess the ability to get the person to do something he or she would not otherwise do. In international relations, there are many tools used to wield power, ranging from traditional acts of diplomacy to aggressive military action. Not every tool can be used effectively in every circumstance, and the ability to wield the "right" tool to greatest effect will allow a nation to maximize its perceived power.

One tool of international influence is economic sanctions. Economic sanctions are important strategic weapons in the policy arsenal. Like other strategic weapons, however, they must be used with extreme care because when carefully applied, they can be a strong means of coercion but used carelessly, they can inflict a great deal of hardship on a target population and yet yield no political effect. Successful sanctions policy must be
thoughtfully designed and well implemented. "To launch economic sanctions without careful examination of all factors would be like launching a military campaign without military analysis" (Galtung 1967).

An economic sanction is any restriction imposed by one country (the sender) on international commerce with another country (the target) in order to persuade the target country's government to change a policy. Economic sanctions include:

- Limiting exports to the target country;
- Limiting imports from the target country;
- Restricting investment in the target country;
- Prohibiting private financial transactions between a sender country's citizens and the target country's citizens or government.

Economic sanctions may compromise a wide range of measures such as a selective or comprehensive ban on trade, a prohibition on some or all capital and service transactions with the government or nationals of the offending country, an interdiction of transport and communications, and a freezing of assets. Economic sanctions are often used as a political tool, both on a national and international scale to achieve specific objectives. There are three general categories of policy objectives for which economic sanctions may be applied: national security objectives, other foreign policy objectives, and international trade and investment dispute resolution. Economic sanctions may be used to punish a country that condones or sponsors terrorism. Terrorism-related sanctions usually have been applied unilaterally. For example, the United States prohibits investment in Iran and
Libya, forbids trade with Libya, and severely restricts trade with Iran because Iran and Libya are thought to fund international terrorist organizations.

Historically, economic sanctions have a poor track record. Between 1914 and 1990, various countries imposed economic sanctions in 116 cases. The sanctions failed to achieve their stated objectives in 66 percent of those cases and were at best only partially successful in most of the rest (Hufbauer et al 1990:92-93). Since inception in 1945, the UN has used the Economic Sanctions weapon fourteen times, with only the two sanctions before 1990 being against white-ruled Rhodesia in 1966 and apartheid South Africa in 1977. However, of all the fourteen instances, only those sanctions imposed on Iraq have been comprehensive, by virtually controlling every aspect of the Iraq’s imports and exports.

There are various reasons that can trigger the imposition of economic sanctions. Sanctions may be employed to deter military aggression or to force an aggressor to withdraw its armed forces from a disputed territory. In such circumstances, the U.N. Security Council may encourage countries to apply economic sanctions such as in the multilateral sanctions against Iraq following its invasion of Kuwait, and against parts of the former Yugoslavia following the outbreak of war there. Economic sanctions may be used to curb weapons proliferation, bring about a policy change on the part of the target state, or as in the case of recent unilateral use by the United States, economic sanctions may be used to punish a country that condones or sponsors terrorism.
3.3.1 ECONOMIC SANCTIONS IN INTERNATIONAL LAW

The period of the 1990’s can be described as the UN decade of sanctions. During these years, the UN security counsel instituted 12 new sanction regimes throughout the world. Experience with sanctions regimes has revealed a number of problems, most notably undesired humanitarian effects on the civilian population in the target country and economic effects on third states. Moreover, the effectiveness of UN sanctions has come under criticism.

The UN Security Council is empowered to impose sanctions by Article 41 of the UN Charter. However, before adopting any measures under Article 41, the Security Council must have determined in accordance with Article 39 of the same Charter “the existence of any threat to the peace or breach of peace, or an act of aggression” and make recommendations or decide what measures are to be taken “to maintain or restore international peace and security.” The term “sanctions” is not explicitly mentioned in the UN charter. On the other hand, the charter gives provisions to the UN security counsel to institute measures. These measures are commonly known as sanctions.

Collective sanctions can be generally defined as “collective measures imposed by organs representing the international community, in response to perceived unlawful or unacceptable conduct by one of its members and meant to uphold standards of behavior required by international law” (Schrijver, 1994:125). By this definition, it means that any organ or body of the international community in the promotion of peace can use sanctions.
During the last decade, however, sanctions have come under harsh criticism. The experience of the economic sanctions imposed on Iraq by the UN Security Council, show the ethical and legal ambiguity of sanctions. Boris Kondo, writing on the “The Limits of Economic Sanctions under International Law: The Case of Iraq” lists as some of the criticisms on Economic sanctions as arising from the Ethical Dilemma, Lack of Transparency, Double Standards, Lack of Effectiveness among others.

There is no international treaty that explicitly deals with the issue of the legal limits of economic sanctions. Article 41 of the UN Charter is silent on the precise scope and duration of sanctions. Moreover, due to the infrequency of sanctions prior to the end of the Cold War, only few scholars commented on the issue. Nevertheless, it can be argued that provisions of Human Rights law and International Humanitarian Law present the outer limits of the permissibility of economic sanctions.

Either way, the use of sanctions adversely affects the citizenry of the target state. The 1948 Universal Declaration of Human Rights recognizes “the right of everyone to enjoy an adequate standard of living” this human right is normally interfered with following the imposition of economic sanctions. But the relevance of International Humanitarian Law regarding economic sanctions is disputed. Sanctions, though regarded as an alternative means of warfare, are not military by their very nature. On the other hand, International Humanitarian Law is primarily meant for armed warfare. This is so in part because the drafters of Humanitarian Law could not foresee or even anticipate the use of and thus,
effects of nonmilitary forms of warfare. This fact, however, does not preclude the application of International Humanitarian Law, since this area of international law is highly adaptive and widely interpreted in a dynamic way. It would otherwise also be impossible to apply International Humanitarian Law to new types of weapons. Nonetheless, if the former argument were to be pursued, it would then leave Human Rights law as the only shelter available to citizens of states targeted by economic sanctions.

In all cases where economic sanctions have been applied, provisions have been made to ease the movement of humanitarian cargo into the country. The challenge faced by these exemptions is that many a time they are indecisive, abused or dishonored at best. Areas usually targeted for exemptions include medical supplies for the benefit of all civilians, essential foodstuffs, clothing and tonics intended for children under 15, expectant mothers, and maternity cases and respect for religious objects also for the benefit of all civilians.

One of the fundamental principles of International Humanitarian Law is that belligerents are required to distinguish between civilians and combatants at all times and to direct their attacks only against military targets. Collective sanctions cannot therefore be aimed at the entire population, in an attempt, to influence the regime without being a clear violation of the principle of distinction. To sidestep this limitation, the International community has now developed what is termed as smart sanctions. The use of smart
sanctions is aimed at only targeting specific sections of the target state so as to bring about change with minimal damage to the rest of the economy.

Article 54 of the Additional Protocol I and Article 14 of Additional Protocol II of the International Humanitarian Law prohibit "starvation as a method of warfare". Sticking with these provisions, no form of sanctions may be imposed in such a manner as to cause the civilian population to starve or by any means lack food. If a significant segment of a civilian population falls below subsistence level economic sanctions violate the prohibition on starvation. But then According to Article 8 (2)(b)(xxv) of the International Criminal Court (ICC) Statute, starvation as a method of warfare is a war crime only if the perpetrator intended to starve a civilian population as a method of warfare. These provisions once again revive the subjectivity argument on what can be considered intentional use of starvation.

Whereas sanctions are legal actions and are well entrenched in International Law, it is noted that the effects of sanctions where imposed are largely appalling to the international community and International Law. Like in other forms of warfare, the most affected members of society are women and children. The policy makers are rarely affected by sanctions, an issue that raises questions on the usefulness of sanctions.

Both the strengths and weaknesses of sanctions were acknowledged in the UN Secretary General Kofi Annan's landmark 1998 report on the causes of conflict in Africa. "Sanctions," he wrote, "as preventive or punitive measures, have the potential to be an
effective tool in peacemaking. The multilateral threat of economic isolation may help to encourage political dialogue, while the application of rigorous economic and political sanctions can diminish the capacity of the protagonists to sustain a prolonged fight. At the same time, he also noted, that better targeting of sanctions is necessary if collateral damage to civilians is to be avoided. With war in Africa increasingly a matter of intra-state conflict, the prospect of undermining the financial base of local insurgencies without damaging the national economy is an attractive one. The key, Mr. Annan concluded, "is much more serious enforcement by the international community," including making violations of UN sanctions a criminal offence under national law.

3.3.2 APPLICATION OF ECONOMIC SANCTIONS IN AFRICA

The two economic sanctions by the UN Security Council prior to 1990 were both targeted at African states. However, this should not be taken to mean that Africa was the only recipient of economic sanctions before 1990 because there were numerous other sanctions levelled against various countries by region organization or by unilateral actions mostly led by the United States.

In Africa, the UN Security Council imposed sanctions against the apartheid regime of South Africa in 1977 in a bid to ostracize the country and hence force it to reform its policies. Though the sanctions had an effect on the political situation of South Africa, they cannot be credited with having brought an end to apartheid. The other sanctions were levelled against Rhodesia in 1966 by UN Resolution 232 of 16 December 1966,
which imposed sanctions on commodities in addition to oil. The sanctions were later lifted by Resolution 460 of 21 December 1979.

Apart from the UN sanctions, there were other sanctions targeting African countries. Nevertheless, it is important at this point to note that apart from the economic sanctions against Burundi, there had not been any other form of sanctions instituted against an African state by African countries. All the sanctions targeting African countries prior to 1996 had external origins.

It was against Libya that the UN first used sanctions as a means of combating international terrorism. In March 1992, the UNSC imposed sanctions on Libya after finding that the Libyan president Col. Gadhafi’s support for terrorism constituted a threat to international peace and security, and because of his refusal to hand over to foreign jurisdiction two Libyans accused of involvement in the bombing of Pan Am Flight 103 in 1988. The sanctions themselves were also carefully targeted, rather than being comprehensive in scope. The UN imposed a ban on aviation links and the sale of aircraft components, as well as related engineering and maintenance services. It also prohibited all arms sales to Libya, imposed travel restrictions on suspected terrorists and introduced measures to reduce diplomatic representation. In 1993, the UNSC by UN Security Council Resolution 883 tightened sanctions by freezing Libyan government assets abroad, further restricting aviation activities and banning the import of some oil-transporting equipment.
Another country that found itself on the wrong end of sanctions is Zimbabwe. In February 2002 the EU imposed targeted sanctions on Zimbabwe in response to political violence and repression there. These include serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly and its use of highly repressive measures against the opposition political party, the Movement for Democratic Change and its supporters, as well as the expulsion of European election observers. The EU’s sanctions against Zimbabwe consist of freezing funds, financial assets or economic resources of individual members of the Government, as well as a ban on exports on equipment used for repression and a ban on technical advice, assistance or training related to military activities. The EU also suspended development assistance for the financing of budgetary support that would have been offered through its economic development funds (EDF). The Europeans suspended financial support for all projects in Zimbabwe except those in direct support of the population. At the same time, the commonwealth opted to suspend the membership of Zimbabwe. Though the suspension was to be renewed in 2003, Zimbabwe reacted by pulling out of the club leaving a lot of questions on the relevance of the commonwealth community.

Like in many other cases, the success of the sanctions against Zimbabwe was disputable. Mugabe was re-elected and the sanctions did not manage to force him to call for fresh elections and neither did they force him to drop his policies on land redistribution. With his withdrawal from the commonwealth club, Mugabe effectively denied the commonwealth the power to affect policymaking in Zimbabwe. The sanctions were denied their ability to bite by the support Mugabe continued to receive from regional
countries notably South Africa, and despite hue and cry from various world leaders, Mugabe was invited to Paris by the French president. This among other examples gave Mugabe an excuse to suggest that those who were supporting the sanctions regime actually had a hidden agenda.

3.4 ECONOMIC SANCTIONS AGAINST BURUNDI

On July 25, 1996, Major Pierre Buyoya led a successful coup to overthrow the then president of Burundi, President Silvestre Ntibantunganya. Buyoya, a Tutsi aligned with the Uprona political party, had earlier lost to Ndaye in the 1993 elections. There was swift reaction to this coup with various African states coming out strongly against the coup. All neighbouring countries imposed economic sanctions against Burundi’s new government and urged peace talks, without success. The UN Security Council condemned the coup and expressed support for the economic sanctions.

Heads of the States of Eastern Africa, Prime and Foreign Ministers met in Arusha, Tanzania, on 31st July 1996 to discuss how to bring about discipline, order and peace in the small, landlocked and ethnically divided Burundi. The regional leaders demanded that Major Pierre Buyoya lifts a ban on political parties, restores the National Assembly and opens immediate and unconditional peace talks with Hutu rebels.

Within the first six weeks of the sanctions, a few steps were taken by president Buyoya to abide by the sanction demands such as the restoration of political parties and the national assembly. However, it wasn’t until 1998 that peace talks between the government and the
rebels began. By the time the sanctions were suspended in 1999, they were largely perceived as having lost their relevance in managing the Burundian situation. The instituting countries felt that suspending the sanctions would foster the peace process while leaving them in place could largely hinder it.

After a summit meeting held in Arusha, Tanzania on January 24, 1999, East and Central African leaders agreed to suspend their economic sanctions against Burundi. Some people considered the sanction to have achieved some degree of success given that, six weeks after their imposition, political parties and the national assembly were restored and peace talks between the government and the rebels began in 1998. Nevertheless, while the sanctions helped to change the political face of Burundi, they devastated the Burundian economy.

From the beginning it was realized that the sanctions would not be hard hitting on Burundi alone. They were also to affect all the sanction-making countries. Goods and commodities, manufactured in these countries, are exported to Burundi. Kenya, Uganda, Rwanda, Tanzania, Zambia, Cameroon and Ethiopia whose national airlines used to fly to Bujumbura, were also set to lose out on business. Because of this, some critics assumed that the sanctions would increase corruption and smuggling and at the end they would fail to meet the target. However, Buyoya’s immediate reaction to the sanctions was telling. He was quoted as saying that his country is not the first and only one under sanctions and that his country will survive them.
This phenomenon has also been witnessed elsewhere. Third countries have hitherto been affected by sanctions levelled either against their neighbouring states or principle trading partners (Martin et al.; 1997:21). Indeed, this has always been one of the forms of collateral damage in any form of warfare. In other cases involving armed warfare, the effects could have been an influx of refugees.
CHAPTER FOUR

4.0 SANCTIONS AGAINST BURUNDI

4.1 POLITICAL DYNAMICS OF THE SANCTIONS AGAINST BURUNDI

The imposition of the sanctions regime by the regional countries resulted from the response of the Burundian Tutsi-dominated army to the implementation of the Arusha peace plan. This plan, elaborated by the regional countries under the supervision of the OAU-appointed mediator, Julius K. Nyerere aimed at bringing to an end the endemic violence and civil disorder that characterized the situation in Burundi. This plan included the deployment of a regional security force in Burundi to assist the Burundian authorities in the stabilization of the country following a political settlement.

Following their opposition to the peace plan in general and specifically by the attempts of the Government of Burundi’s request to the regional summit for security assistance to restore peace and stability in Burundi, the military staged a coup on July 25, 1996, and ousted the Hutu elected President Ntibantunganya. On July 31 1996 the leaders of Eastern African states met at Arusha to look for an appropriate response to the turn of events. Countries represented at Arusha included Tanzania, Kenya, Uganda, Rwanda, Ethiopia, Zaire and Cameroon. They decided to adopt strong measures aimed at returning constitutional order to Burundi. These measures were embodied in the instituting of economic sanctions.

It was not just the military that was opposed to the peace plan. Mr. Nyerere had been mediating talks between Burundian political parties, which culminated in a declaration
calling for a renewal of the national debate for a political settlement of the Burundi crisis being signed by eight political parties on June 17, 1996. However, major political parties failed to support this declaration. In response, Mr. Nyerere warned them that time was running out for a political settlement and that an international military intervention might be necessary to restore civil order in Burundi. This warning was taken by the Burundian army as a bid to undermine its authority.

The main demands behind the sanctions as listed by the Heads of State at the Arusha on July 31st 1996 included:

1. The restoration of Burundi’s National Assembly,
2. The unbanning of political parties, and
3. The immediate and unconditional negotiations with all parties to the conflict.

There are a number of issues that can be read from the African initiative to impose sanctions. The main issue was the preoccupation with improving regional security by stemming the influx of refugees, minimizing rebel activities and regional stability. However, the regional sanctions against Burundi appeared also to embody a regional vision of good governance and democratic rules, a code of conduct that would foster regional stability. The sanctions also represented a condemnation by the regional leaders of an unwelcome action of the military in Burundi. The action was symptomatic of the ideals of the African Union, which would later institute peer review mechanisms as one of the ways of promoting African democracy.
The reactions of the international community to the sanctions against Burundi were ambivalent. Though the regional countries were praised for taking the initiative, no country or institution of the international community came out to expressly support the sanctions. The United Nations in particular, while expressing strong support for the efforts of regional leaders, failed to come up with its own measures to aid the sanctions. In particular, the United Nations resolution 1072 (1996) shows how unwilling the organization was to dirty its hands, preferring instead to call for more reports and demand actions from parties to the Burundi conflict without giving any ultimatums. On the other hand, the Organization of African Unity was less equivocal in its support of the conclusions of the Arusha Summit, which included the imposition of sanctions. Some members of the international community considered the sanctions regime as too ambitious with others having deep-seated reservations about sanctions as an instrument for promoting democratic principles.

The failure of the international community to fully endorse the sanctions could have been expected. Hitherto, sanctions had been used to push for security demands whereas the sanctions against Burundi were aimed at achieving political aims. Nevertheless, this was not the first time sanctions were being used for political aims. Similar aims had been applied against South Africa and Haiti. At the same time, it was feared that the sanctions could worsen the humanitarian situation in Burundi. Since the sanctions as envisaged at Arusha contained no clear policies on humanitarian exemptions. It was much later on August 16, 1996, that the countries met and instituted the Regional Sanctions Coordinating Committee (RSCC) to streamline the sanctions regime. Prior to this, the
countries had largely imposed the sanctions independent of each other's actions. However, even after the institution of the RSCC, national sanctioning committees retained extensive discretion in clearing shipments destined for Burundi. In essence, therefore, clearance from the RSCC did not guarantee automatic clearance from the national authorities.

During the entire period of sanctions, many difficulties emerged in obtaining exemptions to the sanctions regime and processing the shipment of exempted goods to Burundi. The hardest hit organizations were the UN organizations and other International NGO's that by their very nature had to stick to the official guidelines. Other groups were ready and willing to deal with smugglers and other agents of the black market from whom it was much easier to access goods that could have otherwise taken months to be cleared and shipped to Burundi through the official channels.

This political character of the sanctions permitted a great deal of flexibility in their implementation. The implementation of the sanctions was largely used by the regional parties to reward or penalize political gestures made by the Buyoya Government. The flexibility of sanctioning authorities when considering exemptions and clearance of shipments aided the manner in which regional parties rewarded or penalized the Buyoya regime. The stratification of the national authorities handling the clearance process allowed further flexibility without questioning the consistency of the political will at the leadership level.
The regional authorities were all in agreement about the comprehensiveness of the sanctions and this was communicated to Buyoya’s government. According to the UN Secretary General’s report on the situation in Burundi (S/1996/887), this in turn ensured immediate and substantial impact on the political process in the country. Some of these immediate results included the unveiling by President Buyoya of an action plan in September 1996 to restore the national assembly and lift the ban on political parties. During the second RSCC meeting in Kigali on September 25, 1996, the Committee took note of these positive steps taken by the Buyoya regime and decided to lift the embargo on fertilizer and vegetable seeds. However, the regional countries did not consider these developments as sufficient to lift the sanctions.

Following these developments, some members felt that the sanctions could be lifted while others, led by Tanzania took the hard-line stance that the sanctions should be left in place till the Burundian government initiated the process of negotiations. During the third Arusha regional summit on 12 October 1996, it was decided that the sanctions would not only remain in effect until the negotiation process appeared well under way, but also, that the governments of the region may react positively to conciliatory gestures of the Buyoya Government. In spite of this, no clear guidelines were agreed on how the regional parties were to react to positive developments in Burundi, assuming that these responses would be given in a coordinated manner through a relaxation of the RSCC guidelines.

Instead of healing the rifts apparent among the regional actors, this decision worsened them since each one had different opinions on the actions of Buyoya and hence different
views on how to respond to them. For instance, the DRC allowed practical lifting of the sanctions as soon as the Kabila Government took office in Kinshasa in while Tanzania remained stringent in its approach to the sanctions. In the face of this, President Buyoya sought to reap from the divisions and argued that the sanctions were in fact an obstacle to negotiations and asserted, consequently, that his government would not join the peace talks until the sanctions entirely lifted.

In the following months, the dissension among the parties to the sanctions obliged the sanctions proponents to elaborate and substantiate further the request for unconditional negotiation among all parties to the conflict in Burundi. Opponents to the sanctions argued that political parties in Burundi were more reluctant than the government to engage in substantial negotiations. The lack of constructive responses from the political parties to the opening gestures of the Buyoya Government was seen as a major impediment to the peace process in Burundi. The restoration of the National Assembly by the Buyoya Government in September 1996 has provided a basis for more regular political activity and dialogue among different factions. The UN Secretary General recognized in this his report, S/1997/547 of 15 July 1997, that the efforts of the Government of President Pierre Buyoya to encourage political dialogue and to secure the lifting of economic sanctions.

By the beginning of 1997, regional parties to the sanctions were largely relaxed as regards the provisions of the sanctions. Buyoya’s gestures were taken seriously to the extent that he was invited to attend the fourth Arusha regional summit on 16 April 1997.
He used the forum to present the actions he had taken in response to the demands of the regional leaders. On their part, the regional leaders applauded his actions and responded by further relaxing the sanctions as well as renewing their call to the International community to exert pressure on all parties to the Burundian conflict so as to force them to pursue a negotiated settlement to the conflict.

Despite the tough talk witnessed at the summit meetings as well as those of the RSCC, the sanctions grip had largely been eroded. This was mainly through the actions of smugglers and the many loopholes that existed in the manning of the sanctions. In fact, the RSCC had in February 1997 complained openly about the loopholes through which various commodities were finding their way into Burundi. In early 1997, the main smugglers’ loopholes appeared due to a lack of control of the western border of Burundi especially at the port of Uvira on Lake Tanganyika. International borders in Africa are known to be porous and anyone can cross over at places away from manned border posts. This presented the greatest challenge to the sanctions as smugglers could cross the border at any point especially at remote areas on the Burundian border.

As the RSCC continued to relax its sanctions on Burundi, new access roads were opened going through Uganda and Rwanda. Similarly, the government of the DRC intimated that though in principle it was in support of the sanctions, its border was to remain open to commercial transactions with Burundi in view of the dire economic conditions of DRC’s eastern provinces. This stand had the effect of rubbishing all the efforts of the sanctions regime though it wasn’t until January 1999 that the regional leaders finally suspended the
sanctions. At the same time, many observers such as Claude Bruderlein (1997) were of the view that the sanctions stopped having a substantial impact on Burundian internal markets by mid 1997.

By the end of 1997, several NGOs had decided to stop importing goods into the country and instead opted to purchase the required humanitarian input at the market of Bujumbura from the commercial importers. Non-food items such as blankets, metal sheets, cement as well as fuel, were now available in large quantities in the country from these importers. According to NGOs, donors were reluctant in the first stage to finance the purchase of goods that had been smuggled through the border. Nevertheless, this stance was later changed with the realization that it was the best available option to carry on with the mandate of the humanitarian organizations. Most telling was a decision by the WFP, the original importer of fuel for the whole humanitarian community under the sanctions, to interrupt its import and purchase the fuel on the local market. According to some accounts, the price of fuel in November 1997 was lower in Burundi than in neighbouring Rwanda because of the major surplus of fuel on the black market.

Why were the regional leaders reluctant to lift the sanctions? A number of arguments have been used to explain this. The lifting of the sanctions regime would have meant the end of the Arusha peace plan as well as the role of the OAU-appointed mediator, Mr. Nyerere. It can thus be argued that the persistence of the regional parties to maintain the sanctions regime due to a poverty of ideas on a possible alternative to the Arusha peace plan. All the same, sanctioning authorities on the ground became openly flexible in their
imposition of the sanctions, further questioning the consistency of the regional political agenda. Economic transactions over the border increased considerably between DRC, Rwanda and Burundi. Fearing being left behind, Kenya unilaterally lifted its embargo on fuel against Burundi on 27 June 1997. Announcing the easing of sanctions, President Daniel Moi further allowed Kenyan airline companies to resume flights to the Burundian capital.

Politics surrounding the Burundian issue became murkier when Burundi took issue with Tanzania’s insistence to stick to the sanctions. Their relaxation of the sanctions regime without a proper decision to lift the sanctions had fuelled resentment between Burundi and Tanzania. Attempts were made to proceed with the lifting of sanctions without alienating Tanzania while Burundi openly rebuked the role of the OAU-appointed mediator. According to the Burundian authorities, the sanctions were relevant only in political terms, and their lifting was seen by the Burundi Government as bearing strong political significance. It intended to use the depletion of the sanctions regime as a demonstration of the uselessness of the role of Nyerere and of the Arusha peace plan. Nevertheless, at a summit meeting held at Dar-es-Salaam on September 3, 1997 the leaders resolved that the existing sanctions would be maintained and agreed to seek a global oil and arms embargo against Burundi. In addition, they announced the creation of a special secretariat under the Regional Sanctions Coordinating Committee to monitor the strict adherence to the embargo by all participating countries. Summit participants also reiterated their confidence in Julius Nyerere and his efforts to broker an agreement between the opposing parties.
Gregory Mthembu-Salter (1999) notes that by the end of 1997, the sanctions regime had become impractical and was maintained only to sustain the influence of Mr. Nyerere. He further argued that unless there was a new scheme for the peace process in Burundi under which effective pressure could be imposed on Burundi for an effective prospective result, the sanctions would continue to dilute themselves until regional parties gained the courage of lifting the sanctions.

4.2 THE SOCIO-ECONOMIC EFFECTS OF THE SANCTIONS

There were many complaints against the sanctions especially from the humanitarian organizations based in Burundi. This stemmed from the fact that many a humanitarian cargo was blocked from being transported into Burundi and when they were, they took a long time to be cleared not only by the RS CC but also by the national sanctioning committees. With time, as Salter found out in his study commissioned by ActionAid, the humanitarian community found it easier to delegate the process of acquiring humanitarian cargo into Burundi to the commercial companies. This not only speeded up the process but also transferred the problem of undergoing clearance procedures to the contracting companies.

As could have been expected, there were wide and varied effects of the sanctions on Burundi. Many studies into the impact of the sanctions on Burundi such as the report by Salter (1999) chose to address the issue from two fronts. The impact to the urban population which was worst hit because most people there are depended on purchased
goods and the impact on the rural population which was also affected mainly because the availability of farm inputs was adversely affected, the markets were minimized or cut off and the weakening of the Burundian currency that meant less value for traded goods. However, sanctions cannot be entirely blamed. The long civil war, insecurity as well as high levels poverty also had their contributions.

The onset of sanctions marked a huge increase of prices of basic commodities. According to a FAO report, prices increased sometimes by over 200 per cent. However, by early 1997, prices had largely stabilized and as Salter wrote, even the prices of petroleum prices compared favourably with those of Kenya and Tanzania. However, he went ahead to attributing this to the relatively low taxes on petroleum products in Burundi and that fuel was bought with foreign exchange allocated by the central bank which at official exchange rates which overvalued the Burundian franc by 50 per cent.

There was a significant fall in the standards of living in Burundi. The health and education sector was adversely affected though this cannot be disentangled from the effects of many years of civil wars. Lack of resources and stringent embargo measures also ensured that medicines and other social amenities were not easily available in Burundi. The agricultural sector was another area that was hard hit by the sanction. Farmers were not only faced with a shortage of farm inputs such as seeds and fertilizers, but also with fewer markets given that they could not export their produce.
Though the RSCC conceded more exemptions every time they met, these were not immediately reflected on the ground. Furthermore, by limiting all air travel to Burundi to originate and terminate at Nairobi as well as all road transport to pass through Tanzania, the sanctioning parties were able to streamline the management of the sanctions. On April 16 1997, further exemptions were granted and anyone including the Burundian government could import food products, educational and construction materials as well as medicines into Burundi. Furthermore, clearance was only needed at the regional country of origin. This was the last exemption granted to the sanctions and it served to further ease the situation in Burundi.

Humanitarian exemptions saw to it that goods from neighbouring countries were could be legally imported into the country. Nevertheless, the ambiance of sanctions meant that prices were relatively higher than normal hence making the goods largely inaccessible to the common people. Shortages of fuel acted further to ensure that the distribution mechanism was weakened. But a decision by humanitarian agencies to collaborate on their activities ensured that goods and services were better distributed by minimizing overlapping of activities.

The sanctions may not have had the impact they had had they not been largely respected by the international community. Burundi’s development partners chose to withhold loans and grants destined for projects in the country. This led to a foreign exchange deficiency in Burundi that in turn meant a weaker Burundian franc. This was arguably the greatest type of support the sanctions ever received from the international community. It
indirectly served to confirm the seriousness of the call for African states to come up with solutions to African problems. Any decision on the part of the International community to send in any assistance either in cash or in kind could have been perceived as a bid to undermine the African attempt at conflict management.

4.3 THE END OF THE SANCTIONS

By the beginning of 1999, it was widely anticipated that the sanctions were to be lifted. Various reports by NGOs on the filed also indicated that Mr. Nyerere, the OAU appointed mediator was to rout for the lifting of the sanctions during the summit meeting in Arusha on January 24, 1999. However, during the same meeting the leaders chose to suspend the sanctions as opposed to lifting them. In fact during the Arusha summit meeting, leaders warned that they were to carefully monitor the progress of the peace talks and were they to feel that the process was lagging behind, sanctions would be reconsidered. On his part, president Buyoya promised that his government would do everything possible to speed up the peace process.

At the time the sanctions were suspended, they were considered to be largely ineffective, and an obstacle to the peace process. However, they are credited to have had substantial effects on the political process in Burundi. For instance, political parties and the national assembly were reinstated six weeks after the imposition of the sanctions. However, it took over a year for the third demand (commencement of peace talks) of the sanctions to be initiated. Then again, initiation of the peace talks between the government and the rebels was not enough to cause the lifting of the sanctions.
As can be seen from the above paragraph, the three express demands of the sanctions were met by the end of 1998, with the resumption of talks between the government and the rebels. At this point, parties to the sanctions instead of lifting the sanctions opted to shift goalposts and use the sanctions as a means of ensuring that meaningful results came out of the negotiations. It must be noted that it is around the same time that serious cracks began to emerge within the regional countries on the relevance of the sanctions.

Apart from forcing the government of Burundi to comply, the sanctions also had other major side effects. According to the government in Bujumbura, the sanctions led to 50 percent loss in Burundi’s export earnings in 1996 and a 25 percent increase in import cost. Furthermore, inflation rose from 26 percent in 1996 to 31 percent in 1997. Burundi’s finance minister Mr. Astere Girukwigomba felt that the major effect of the sanctions was that they worsened the living conditions for the people of Burundi.

The suspension of sanctions meant that the international community was free to resume aid to Burundi. For the duration of the sanctions, Burundi’s development partners had shied away from giving aid to the tiny landlocked country, or at best only releasing minimal amounts in a bid to avoid being seen as working against the sanctions. By and large, this simple gesture was the only tangible contribution of the international community in support of the sanctions.
Burundians welcomed the suspension of sanctions seeing it as a new lease of life to the already ailing economy. The humanitarian community had a big sigh of relieve since the suspension assured them that their mandate in Burundi would be eased. The first result was that WFP that had taken up the role of importing oil and oil products into Burundi for and on behalf of other relief agencies could finally be able to redirect these energies at reaching more people who were by then in dire need of assistance.
CHAPTER FIVE

5.0 ANALYSIS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter sets out to state how the effectiveness of sanctions is gauged. It first and foremost presents the hurdles faced in this line of study. The poverty of research material and the history of economic sanctions in the modern international system are cases in point. Nevertheless, there are agreed upon systems of gauging the usefulness of any given sanctions. These are the “efficacy” of sanctions as well as “success” of the sanctions.

Since 1990, the UN Security Council has adopted different types of sanctions by focusing their effects and narrowing their targets. All sanctions regimes created thereafter, are arms embargoes. But in the cases of Libya (to a certain extent), Angola and Sierra Leone, the UN Security Council adopted even more focused and targeted measures. Travel restrictions, freezing of assets, prohibitions on import or export of items with impact in specific economic or industrial areas. These measures do not have a direct impact on the humanitarian situation of the countries concerned, they are however designed to hurt those directly responsible for non-compliance. Even though the UN and other regional organizations have moved towards the use of smart sanctions, their effects will ultimately be felt by the general population. The case of Zimbabwe can be instructive of this scenario. Smart sanctions imposed on the country include those of the European Union which instituted travel restrictions to the political elite of Zimbabwe, and others imposed by the commonwealth, which suspended the membership of Zimbabwe. Nevertheless, the citizens of Zimbabwe are still under the same regime nor are the regime’s policies about
to change. At the same time, Zimbabweans are not getting access to much needed food aid far from the stated policy that civilians were not to be affected by the measures.

Prior to the rise of “Smart Sanctions”, the applications of sanctions was generalized and thus affected the whole target country. The major effect of this was the worsening of the humanitarian situation in the target country. Sanctions also have a knack for affecting entities that were not primary targets. As L. L. Martin wrote in 1997, sanctions often cause hardship to the neighbours and major trading partners of the targeted countries (Martin et al; 1997:21).

The literature on economic sanctions is one of the least conclusive in the study of International Relations (Jentleson, 2000:123). There is very little agreement on whether or not these coercive measures are successful, on what criteria to judge success, or even what measures should be considered sanctions. However, common practice has as a definition of sanctions, all the measures as defined by Article 41 of the UN Charter.

Of all the sanctions ever imposed by the UN Security Council, the Iraq sanctions have progressively provided the basis for the study of economic sanctions imposed by the UN Security Council. Before 1990, there were only two cases on the record: 13 years of mandatory sanctions against Rhodesia (now Zimbabwe) from 1966-79 and a mandatory arms embargo against South Africa from 1977. In the latter case there were also recommendations for more comprehensive sanctions from the General Assembly and the Security Council but until 1990 the main body of international sanctions experience was
provided by programs sponsored by regional bodies and less formal groupings such as the organization of American States (OAS) and the Commonwealth, and by measures adapted on a unilateral basis particularly by the United States (Elliott: 1990:17).

Despite their apparent virtues in terms of legitimacy and universality, attention in recent years, both inside and outside the UN has focused increasingly on the questionable achievements and adverse consequences of economic sanctions imposed by the Security Council. There are two main areas of contention. In the first place, experience has shown that the cost of imposing such measures is not evenly spread and can be particularly onerous for states bordering on the target or having close economic relations with it. Secondly, and with greater media and public resonance, comprehensive economic sanctions are seen to exert their main economic impact on the civilian population in the target who are unable to protect themselves and often have little or no influence on the policies which the sanctions are intended to change (Martin et al; 1997).

In an area with divergent opinions, there have arisen two basic measures on how well sanctions achieve their objectives. These are the "efficacy" of the sanctions and the "success" of the sanctions.

The efficacy of sanctions refers to the extent to which sanctions succeed in imposing an actual economic cost on the target state. Some of the benchmarks on evaluating the efficacy of sanctions include; speed of implementation, ability to maintain sanctions,
trade dependency and vulnerability as well as the ability of the target country to reiterate. In turn, the trade dependency and vulnerability is gauged by concentration of commodities within a country’s exports, concentration of countries to which exports go to and the total trade as a percentage of Gross National Product (GNP). It is imperative to note that countries with limited trading partners are the most susceptible to adverse effects of economic sanctions.

The success of sanctions is gauged by the extent to which the target state is forced to comply due to the demands of the imposed sanctions. Gauging the success of sanctions is a very subjective venture given that it depends on the feelings of the researchers. And then again, it is not possible to have a hundred percent success rate regardless of how stringent the sanctions regime is. Hitherto, as noted above, there have been very low success rates enjoyed by sanction regimes throughout the world. High levels of success need to have a high degree of efficacy though high efficacy does not necessarily guarantee success.

5.2 ANALYSIS OF THE SANCTIONS

The success rate of the sanctions against Burundi is unclear. Though the initial demands were achieved, in most case they were only partly met. When the sanctions were instituted on July 31st 1996, there were three overt demands put forth by the regional states. These demands were the restoration of Burundi’s National Assembly, the unbanning of political parties and immediate and unconditional negotiations with all parties to the conflict.
With time, these demands were achieved; the national assembly was restored though not to the pre-coup levels in terms of authority and functions. Similarly, though political parties were later unbanned, they never enjoyed the freedom and splendour of the pre-coup days. Thus though these two objectives of sanctions were met, it was only done ceremonially. Therefore, if the aim of the sanctions was to return the situation in Burundi to the pre-coup days, then the sanctions were not at all effective in this respect. Negotiations with rebels, the third demand of the sanctions finally went underway after almost two years. Like in the first two cases, this can only be taken as a success of the sanctions if what was aimed at was to resume the talks and not how they were handled. From the outset, there were many reservations not only from the government side, but also from the rebels' side on how the peace negotiations were to be handled.

Unlike the poor success rate, the efficacy of sanctions against Burundi can be rated highly. Many factors contributed to the high efficacy of the sanctions against Burundi and consequently there are many lessons that can be learnt from this case. These lessons can then be used to improve the efficacy of sanctions should need arise to impose them elsewhere. But it has to be noted that there are a number of issues that cannot be replicated anywhere else. For instance, the geography of Burundi cannot be reproduced safe for Rwanda. Burundi is tiny, landlocked, poor in mineral resources, largely dependent on Agriculture to sustain itself, and has a long history of civil conflict. Only Rwanda rivals it in all these respects. These factors heavily contributed to the efficacy of
sanctions especially the fact that Burundi is landlocked and therefore entirely depends on her neighbours to access her external markets.

The unanimous decision to settle for sanctions underlined the fact that African countries are by and large ready to overlook their own problems in search for common good in their regions. Virtually all the countries that came together to impose sanctions had their own internal squabbles to grapple with. To list but a few, Uganda has a long running war with rebels in the north of the country, The DRC was at the time having an insurgency led by Laurent Kabila and Rwanda was still healing from the wounds of the 1994 genocide. Apart from their common resolve, the contracting states were also able to devote resources to the cause thus proving their seriousness in looking for a viable solution to the conflict.

Given that Burundi is a landlocked country, it follows that she depends on her neighbours to access the rest of the world. A further factor to show the seriousness of the sanctions comes with the realization that the regional states were ready and willing to forego economic benefits that came with doing business with Burundi for the common good. For instance, despite grumbles from the business community in Zambia that their government stood to incur major losses if it joined the sanctions, the Zambian government opted to stick with the rest of the community. Kenya also knew very well that it could lose the revenues levied against the use of her ports for goods destined for Burundi but still opted to go along with the rest of the community. Even so, Kenya was later to unilaterally suspend restriction on air flights originating from Kenya to Burundi.
The Eastern Africa countries further proved that Africans had come of age and were not only ready but they were actually capable of taking action to manage African conflicts. In effect, this was a firm statement to the western powers that African states would not forever wait for handouts while a brother’s house was on fire. The failure of the international community to come out in support of the sanctions was indicative of its rustiness in dealing with African issues. Whereas Belgium, the former colonial master was opposed to the sanctions claiming that they were ill advised and premature, the UN gave cold endorsement, other western states chose to be mute over the issue as if nothing had happened. In this respect, it is clear that what is needed is not for continued support from the western powers but an empowerment of African countries and their regional organizations to better address the question of rampant civil wars in Africa.

5.3 RECOMMENDATIONS

In the endeavour to empower African mechanisms for conflict management, the handling of sanctions against Burundi can shed light on areas that need improvement. A key issue is the need for a central authority on conflict management mechanisms. In an environment that does not have a clear hierarchy, decentralization as can be seen from the Burundi experience, breeds confusion in a case where participating parties are not accustomed to handling similar situations. The initial months of the sanctions witnessed large scale confusion as to how goods to Burundi were to be handled, what merited exemptions and how the exemptions were to be granted among other logistical bottlenecks. It was only after the creation of the Regional Sanctions Coordinating
Committee that some sanity was restored into the system. Even then, some national sanctioning committees still insisted on reserving their right to approve (or disapprove) goods heading to Burundi. This could have only created more confusion and it did.

The sanctions against Burundi were put in place within a very short time. This in part resulted in the numerous bottlenecks that were witnessed in the first few weeks and in some cases throughout the sanctions regime. The first weeks of a sanctions regime are crucial for the elaboration of the sanctions regime, in terms of exemptions and clearances procedures. External actors can only hope to have maximum input during the drafting period since once policies start biting, it is often difficult to have policy makers to sit and agree otherwise. For that reason, The UN system should insist on having a functional regime with the appropriate exemptions and clearance mechanisms before sanctions are imposed, or before the support of the Security Council is considered.

With commitment comes an unbreakable resolve that cannot be overcome even though each unit subscribes to diverse viewpoints. However, some units can turn out to be overzealous in carrying out their mandate. This can be construed to mean that the said unit or country has an ulterior motive in carrying out its mandate. This was the case with Tanzania’s hard line stance that put it at loggerheads with the government of Burundi. Again this underlines the need to have a central authority to manage all issues that arise so as to avoid this scenario where individual countries are targeted for hostility.
Comprehensive sanctions whose primary impact is on civilians should be discouraged. Before sanctions are enforced, efforts should be made to ensure that there is a broad agreement among those imposing sanctions about the importance of the goals that sanctions are being used to achieve. In the process of policy formulation, an impact and feasibility assessment should be carried out which will then ensure that the economic pressure impacts either the target group itself or its power base, rather than whole societies. Sanctions have over and over again been blamed for the ills that befall a country that is faced by their brunt, a fact that largely minimizes their moral authority.

Care should be taken to make it clear that the aim of the sanctions is not to boost a regime change but rather to correct a wrong, or seek the restoration of law and order. Even in cases where this is the implicit aim of sanctions, the sanctions are bound to gain from not being seen as purely antagonistic to the current regime. In this regard, incentives should be provided to key actors including the government to welcome their co-operation with the sanctions. These might include: the provision of financial and technical assistance, trade concessions, support for loans or projects by multilateral development institutions and international financial institutions, debt forgiveness, educational exchanges, targeted bilateral aid, and other diplomatic or political support. Nevertheless, coercive measures, such as the deployment of military or police units to monitor and enforce sanctions should be considered where appropriate.

There is need for better handling of African conflict management initiatives in order to reach targets quickly and more efficiently. This can be achieved through creating
awareness as well as consensus on the way forward if possible. Attempts should also be
made to enlist the support of parties to the conflict that could be sympathetic to the efforts
being made. However, care should be taken to avoid being seen as supporting one side to
the conflict to the detriment of the other. Because economic sanctions are only a step
below a blockade or other military action, any decision to apply them must be faced with
a lot of deliberation. New institutions, such as sanctions monitoring groups should be
deployed throughout the target region or teams that provide technical assistance to a
target state’s neighbors, must be established early enough in sanctions regimes. Creating
sanctions monitoring teams and assistance missions early would signal the seriousness of
the sanctioners. It may also help to prevent the surge in smuggling activity that frequently
occurs when sanctions are announced but not yet enforced.

Furthermore, enlisting the support of as many parties to the conflict as possible has its
many advantages including; providing and entry point to the conflict, ensuring that the
parties own the conflict management effort hence ensuring its long term sustainability,
and proving a means for the conflict managers to be in touch with the situation on the
ground. At the same time, enrolling the support of parties to the conflict also ensures that
they do not devote their machinery to undoing the efforts being made. For instance, if
President Buyoya had been in support of the sanctions regime, he would not have
publicly stated that Burundi was not the first country to face sanctions and that he was
sure Burundi would survive them.
The international community erred in having a laid back response to the imposition of sanctions against Burundi. This is not a problem limited to the Burundian situation but is also prevalent in many other issues concerning the third world. It would be more prudent to respond quickly to the potential imposition of sanctions or indeed any other regional conflict management mechanism. This would then give the international community, in the very least, a moral authority to intervene should any problems be faced later on in the implementation phase.

Since the UN is charged with upholding global peace and security, and given that there is an active plan to empower regional groups in conflict management, a standing mechanism should be built into the regional organizations so as to give them the capacity to undertake this mammoth task. Such a task force should however have clear instruction on its legal standing and who it should report to. They should be primarily be concerned with giving unbiased information on the humanitarian situation on the ground, as well as possible hot spots that urgently require the attention of the International Community.

Reports on a war situation almost always come tainted with the perception of the funding organization. Thus, a report funded by the ActionAid for instance, will be riddled with the various efforts the organization is carrying out to ameliorate the humanitarian situation as a way of attracting more funding. A way should be found that can actually monitor the impact of sanction on the population as opposed to the impact of relief efforts of humanitarian organizations. As regards Burundi, the role of the UN Regional Focal Point in the Burundi situation demonstrated the benefits of an institutional framework for
gathering and sharing of information regarding sanctions and for the advocacy role of the UN system. The establishment of a task force among humanitarian actors and donors was also in this perspective an excellent initiative.

The support received from the international community was important in ensuring that the sanctions were a success. This is despite the fact that some of the support received was in the form of not commenting on the issue, hence letting the regional countries go on with their plan of action. The UN should be ready and willing to assist in efforts initiated by regional organizations in conflict management. The UN involvement largely depends on the position of the Security Council on the measures taken. In cases where the UN Security Council endorses regional efforts, such an endorsement should provide a basis for the cooperation between the UN agencies and the regional authorities in the elaboration of exemptions and clearance procedures. However, in cases in which there is no explicit endorsement by the UN Security Council, UN agencies should be able, on pragmatic grounds, to negotiate the passage of humanitarian goods at border crossing points.

Ideally, sanctions should not be imposed without support from the United Nations Security Council if their objectives are to be achieved. But in cases where the UN has not been consulted, it should be ready to respond as soon as discussions start in the regions on the imposition of sanctions, human resources should be dispatched to the field to support the UN system in the region in the elaboration of its response. They should then help in the assessment of a baseline situation in the targeted country, selection of
indicators, creation of inter-agency mechanisms to monitor the impact and formulate exemptions requests, elaboration of advocacy tools, among other duties. Since these discussions emerge on short notice, agencies at headquarter level should earmark resources in this regard and be ready to dispatch them on short notice.

Since almost all countries in the world are members of the United Nations and the UN has the primary responsibility of maintaining peace in the world, the UN should thus take a more proactive role in any conflict management venture no matter where it originates from. It is not for the UN to take over all processes but instead provide the voice of reason to regional processes.

There are lessons from the experience in Burundi, both for Africa and for the international community. Conflict management requires both commitment and patience but it also requires resources, technology and organizational capacity. Africa has demonstrated the commitment and patience but its efforts must be actively supported by the provision of the needed resources by the international community. A case in point is that of the Liberian conflict where there is an urgent need for the international community to assist in the realization of the peace process following the Abuja Agreement.

Early warning systems should be established to monitor hot spots all over Africa so as to encourage an early response mechanism to conflict situations. It would be much better to deal with conflicts in their nascent stages than to wait till they have blown up. Generally,
fewer resources are needed to forestall a conflict than managing a crisis or doing what has come to be termed as fire fighting.

Above all, Africa and Africans must learn to use the resources available locally to combat cases of civil unrest. In principle, and for the time being, conflict management, like conflict prevention, must be truly a complementary effort primarily by Africans and with some support from international partners. This requires close collaboration among various parties to conflict management, in particular, between the United Nations and the AU. The AU and the UN should discuss establishing formal modalities of collaboration in order to share operational responsibilities for addressing conflicts in Africa under Chapter VIII of the UN Charter. A lot of ground was covered by the OAU in terms of collaboration with the UN in conflict management efforts. It is up to the AU to not only strengthen the conflict management mechanisms inherited from OAU, but also to carve a niche for itself by being proactive in conflict management endeavours. Above all the AU should not shy from asking for support for its efforts whenever it faces a shortfall.
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