

CHAPTER FIVE

THE NATURE, STRUCTURE AND FUNCTIONS OF THE ORGANISATION OF AFRICAN UNITY AS AN INTERNATIONAL GOVERNMENTAL INSTITUTION

5.1 Introduction

The primary objectives of the former Organisation of African Unity (hereafter referred to as the OAU) was to accelerate the achievement of the socio-economic independence for African states that were still under some form of external rule, to lay the foundation for African unity through the development of the African Charter, binding on all member states and the maintenance of peace and order within the African continent.

It is clear from Chapter Four (see section 4.3), that from 1959 to 1963, independent Africa was split into two ideological factions, which adopted their respective names from the African capitals where each group claimed to have consolidated itself into a formidable force. These were the Casablanca group which advocated immediate political union of African states, and on the other side, it was the Brazzaville group that denigrated impetuous union, preferring, instead a loose form of association of independent African states based upon the principles of economic, social, scientific and technical co-operation among members states.

In this context, taking in cognisance that the OAU evolved as a compromise solution to the ideological perspectives and divisions which characterised the relationship between the African states even as African states were on the threshold of independent sovereignties, identifiable goals and the organisational functional structure to translate the ideals and hopes of member states as a collective into reality became exceedingly paramount.

In order to understand the impact of the OAU organisation on African international public administration, in terms of the OAU's institutions, norms and decision-making procedures, it is necessary to provide insight in the internal make-up and functioning of the OAU. As this functioning takes place within the broad confines of the OAU Charter (section 5.4 will give an analysis of this document).

It is thus important to describe the goals and the principles of the Charter of the OAU, in order to clarify the structural-functional analysis of the various functions, institutions, commissions and principles. Attention has also been paid to the principles that regulated the acceptance of membership and the relationship between the OAU and the UN including the IMF and the World Bank (WB).

This description will be part of a point of departure in order to determine if the former OAU had fulfilled its mandate in regional co-operation.

5.2 The objectives of the Organisation of African Unity

On April 10, 1963 at the founders' conference Haile Selassie had already defined the three objectives of the OAU as follows:

- The acceleration of the achievement of independence for those countries that were still dependent, within the Africa continent.
- The establishment of a basis for African unity, for the first time in the history of the African continent, by an exchange of opinions to assist in the solution of common problems in order to raise living standards and improve conduits in the economic, cultural and political spheres.
- The formulation of a universal African Charter by introducing a *rapprochement*, in the interest of African unity, between groups of African states such as the 'Casablanca' or the 'Monrovia' group (*Cf.* Keesing's Contemporary Archives 15-22 June 1963:19463).

The above definitions then also formed the basis on which the goal setting of Article II (1) of the OAU Charter (in Naldi 1992:4) was formulated:

- To promote unity and solidarity of the African states;
- to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa;
- to defend their sovereignty, their territorial integrity and independence;
- to eradicate all forms of colonialism from Africa; and
- to promote, while taking into consideration the Charter of the UN and the Universal Declaration of Human Rights, international co-operation.

With these objectives in mind, all member nations would have to co-ordinate and harmonise their general policies with regard to the following aspects:

- political and diplomatic co-operation;
- economic co-operation, including transport and communications;
- educational and cultural co-operation;
- co-operation in the areas of health, sanitation and nutrition;
- scientific and technical co-operation; and
- co-operation for defence and security (*Cf. Naldi 1992:4*).

In the pursuit of the goals in Article II, all member nations accordingly had to swear allegiance and declare their adherence to the following principles (Article III):

- the sovereign equality of all member states;
- non-interference in internal affairs of states;
- respect for the sovereignty and territorial integrity of each state as well as the unalienable right to independent existence;
- peaceful settlement of disputes by means of negotiation, mediation, conciliation or arbitration;
- the irrevocable repudiation of political assassination in any form imaginable, and the unreserved condemnation of subversive activities by neighbouring states or any other states;
- absolute dedication to the total emancipation of still dependant territories of Africa; and

- the agreement to a policy of non-alignment with regard to all blocs or the major powers of the world (*Cf.* Cervenka, 1977: 4,12-13,32 & Leistner 1984: 14).

A document of the “Ministry of Information” (OAU Perspective 1966:35) reads that “The purpose has no bearing on the fact that the principal aim of the OAU was to free the African continent of colonialism, apartheid and racial discrimination. This emerged from the debate on the OAU Charter at Addis Ababa in 1963 and was reaffirmed on many subsequent occasions.”

The aforementioned objectives of the OAU were tantamount to the main elements of African regionalism and can be summarised as follows:

- a unique purposefulness to combine Pan-Africanism with nationalism;
- a searching for the autonomic solution to the problems of Africa; and
- a striving to free the African continent from colonialism and racial discrimination (Leistner 1984:9).

According to this, the OAU was to be seen as a co-operative regional institution (Miller in Cantori & Spiegel 1970). The above can also point to the appearance of an IGO in which states are equal alongside to each other. As such, the OAU was the largest continental organisation (Asante 1970:55). The OAU could also be viewed as a powerful intergovernmental institution that includes all relations between states, including political and security matters, and economic, social and relative issues (Andemicael 1979:11). The OAU was inherently nothing new, but it was rather an imitation of the UN, or according to Cervenka (1977:30) who wrote the following about the OAU Charter: "Drafted in professional UN fashion, it bears certain marks of its model: the Charter of the UN. Some UN principles were simply re-tailored to fit the OAU fashion." According to Van Wyk (1985:91-92) the resemblance between the organisational structure of the OAU and the organisational structure of the OAS was also evident.

From this it can also clearly be seen why the basic organisational structure of the UN and that of the OAU were so markedly similar. At a later stage the actual role of the OAU in the international political system will be analysed in more depth (see Chapter Six). Of importance now is to briefly take note of the instruments that were created to give the OAU its practical shape.

5.3 The structure of the Organisation of African Unity

According to the Charter of the OAU (Article VII), the OAU should reach its objectives with the help of the following four primary institutions:

- The Assembly of Heads of State and Government;
- The Council of Ministers;
- The General-Secretariat; and
- The Commission of Mediation, Reconciliation and Arbitration.

Certain specialised commissions were, according to Article XX of the Charter, also formed as the need arose, for example:

- The Economic and Social Commission;
- The Educational, Scientific, and Cultural Commission;
- The Health, Sanitation and Nutrition Commission;
- The Defence Commission; and
- The Commission of Science, Technology and Research (*Cf. Sohn 1971:64-66*).

Various other commissions could also be formed later by way of decisions taken by the OAU in order to provide for specific needs within the OAU. In this connection mention can be made of the Commission of African Jurists (Lagos, January 1964), the Commission of Transport and Communication (Kinshasa, September 1967, the Liberation Commission (Addis Ababa, May 1963), the Human Rights Commission (Nairobi, June 1981), the Bureau for the Settlement and Education of African Refugees (Addis Ababa, 1968), the Pan-African News Agency (PANA) (Monrovia,

July 1979), and the Inter-governmental Council on Communication (*Cf.* Sohn 1971:58, Cervenka 1977: 76-77 and Esterhuyzen 1984: 42).

It is clear that the OAU did not adhere to the stipulated number of commissions in the Charter. Various ad hoc commissions have also been appointed, whenever the need arose, over a period of time. These commissions were usually formed by way of special resolutions – for example, the Commission of Specialists that had to attend to the formation of an African Youth Organisation, an African Reconnaissance Union, and an annual African Games and an African Trade Union (Cervenka 1977:24-25).

5.4 The structural functional analysis of the Organisation of African Unity

In order to gain a better understanding of the workings of the different institutions within the OAU, a brief description will be made of the constitution and the functions of each institution, in the following sections (*Cf.* Sohn 1971:62-104).

5.4.1 The Assembly of Heads of State and Government

According to Article VIII of the Charter, the Assembly of Heads of State and Government was the institution with the most authority of the OAU. Article IX stipulates that the assembly should be appointed from heads of state and heads of governments or their accredited representatives and they should meet at least once every year. Extraordinary meetings regarding this may be requested by any member nation, and will be convened if it carries a two third majority of the other member nations (*Cf.* Sohn 1971:64 and Cervenka 1977:44).

Article X stipulates that each member nation has one vote and that all decisions have to carry a two third majority of all the member nations. Only procedural changes can be approved with an ordinary majority. For a quorum, two thirds of the membership is needed. Article XI also stipulates that this institution may determine its own internal regulations concerning procedures (*Cf.* Sohn 1971:64 and Elias 1965:24). The most important powers and duties of the Assembly of Heads of State and Government are defined in various articles of the Charter.

The Assembly may, in accordance with Article VIII:

- Discuss any matter of common concern to Africa, with a view to co-ordinating and harmonising the general policy of the Organisation; and to
- review the structure, functions and actions of all the organisational structures and specialised agencies created in accordance with the Charter, at their discretion;

Article XI:

- determine its own rules of procedure;

Article XIII:

- supervise the activities of the Council of Ministers;

Article XIX:

- Approve the Protocol (approved Addis Ababa, 1965) concerning the Commission of Mediation, Reconciliation and Arbitration and incorporate it as an integral part of the Charter; and
- appoint members of the Commission of Mediation, Reconciliation and Arbitration according to Article II of the mentioned Protocol;

Article XVI:

- appoint the Administrative Secretary-General to direct the affairs of the Secretariat;

Article XVII:

- appoint one or more Assistant Secretaries-General;

Article XX:

- Establish Specialised Commissions as the need may arise, including the following (*Cf.* Naldi 1992:8):
 - The Economic and Social Commission;
 - the Educational, Scientific, Cultural and Health Commission; and
 - the Defence Commission.

Article XXVII:

- make decisions regarding any questions concerning the interpretation of the Charter;

Article XXVIII:

- approve the admission in or resignation from the OAU of member states (*Cf.* Sohn 1971:64-67; Cervenka 1977:21 and Naldi 1992:8)).

As the OAU's supreme institution, the Assembly of Heads of State and Government had the authority to rescind decisions of other institutions, including those of the Council of Ministers. It could also discuss “matters of common concern to Africa” in order to co-ordinate and harmonise general OAU policy. However, this broad, deliberative power was subject “to the provisions of this Charter” (Article VIII). This means that its deliberative function was limited by the principle of non-interference in internal affairs.

5.4.2 The Council of Ministers

Article XII stipulates that the Council of Ministers should consist of the Ministers of Foreign Affairs of member states or other ministers who should be delegated especially for this purpose. This Council should meet at least twice a year. Special

meetings can also be requested by member states, but these are subject to the approval of two third of all member states (*Cf.* Naldi 1992:8).

The Council of Ministers are, according to Article XIII of the Charter, directly accountable to the Assembly of Heads of State and Government. According to this article arranging conferences for the Assembly of Heads of State and Government should also be the responsibility of the Council. The Council should also take cognisance of all matters referred to it by the Assembly of Heads of State and Government and should accept responsibility for the implementation of any decisions of the Assembly.

The Council should likewise be responsible for the co-ordination of inter-African co-operation, in accordance with the instructions of the Assembly in agreement of Article II of the Charter. Article XIV stipulates that each member state represented in the Council would have one vote, while all decisions will be taken by way of an ordinary majority vote of the members of the Council.

Accordingly, two thirds of the total membership of the Council will form a quorum for any meeting of the Council. The Council also has the right, in accordance with Article XV of the Charter, to make decisions regarding its own rules of procedure. Cervenka (1977:25) notes that the Council: "...also approves the reports of the Specialised Commission, the budget, the gifts and donations made to the organisation" (Cervenka 1977:25). The procedural rules of the Council were approved during a meeting of this Council at Dakar on August 11, 1963 (*Cf.* Sohn 1971:86).

As the Assembly normally convened only once a year, the two sessions of the Council provided the Organisation with a greater sense of continuity. Although the Council was supposed to execute Assembly decisions, it could only do so in the case of the internal functioning of the OAU. In other cases, it was really the member states themselves that executed decisions of both the Council and the Assembly.

5.4.3 The General-Secretariat

The definition of the General-Secretariat, as contained in the Charter of the OAU, reads as follows: "The General-Secretariat is the permanent OAU institution whose task it is to service OAU meetings, implement decisions and resolutions adopted by the Heads of State and Government, keep OAU documents and archives and generally speaking, conduct the daily work of co-ordination among member states in all fields stated in the Charter" (*Cf.* The Organisation of African Unity 1977:10).

The General-Secretariat should be guided by the Administrative Secretary-General and supported by four assistants. The Assembly of Heads of State and Government should appoint all these officials (*Cf.* The Organisation of African Unity 1977:9-10).

Article XVIII of the Charter stipulates that the Administrative Secretary-General and his staff may take no instructions from any state or institution outside the Organisation. It has also been determined that all member nations should abstain from action that may affect General-Secretariat staff members' execution of their duties (*Cf.* Cervenka 1977:61).

However, according to Amonoo this regulation does not mean much in practice: "...internal dissent within the General-Secretariat has a history going back to the founding of the Provincial Secretariat in 1963, which at that time was entrusted to the Ethiopian Government ... the malfunctioning of this body was bitterly commented upon by the Ghanaian representative ..., and the bickering among its members resulted in a boycott by those who were dissatisfied at not being allowed to play a more important role and assert the policies of their countries at the meetings..." (Amonoo 1964:38). In this regard Cervenka (1977:61) remarked that the title of the position of head of the General-Secretariat had to be watered down as the Heads of State and Government were scared that, seeing that the functions appointed by means of the Charter to this person "...would aspire to become the policy maker for the African continent. The role assumed by the UN Secretary-General Dag Hammarskjold during the various crises of the UN was regarded as a dangerous precedent..."

So it is clear from the founding of the OAU that the emphasis had been placed on the interests of individual states rather than on those of a unified African front. In practice this Article had been rendered powerless and had tainted the universal character and objectives of the OAU. By 1977 the ± 350 members of staff of the OAU Secretariat consisted of the following five general categories:

- political office-bearers;
- professional staff;
- technical staff;
- general service staff; and
- locally recruited staff (*Cf.* Cervenka 1977:27).

The appointment of staff should have occurred on a quota principle – no state should have had more than ten staff members in the General-Secretariat (Ajala 1974:80). In order to give the General-Secretariat a practical foundation, the following departments were created:

- The Department of Politics, Judiciary and Defence;
- The Department of Economic and Social Services; and
- The Department of Administration, Conferences and Information (Sohn 1971: 94).

The title of the Administrative Secretary-General was abandoned and the institution was renamed to the Secretary-General. The functions and regulations of the General-Secretariat as approved by the Council of Ministers of Foreign Affairs in Dakar (August 1963) boiled down to the following:

- Archival services;
- technical, professional and administrative support services to specialised commissions;
- general secretarial services;
- drafting and submission of the annual report in which the activities of the OAU of that year are discussed;

- preparation of a report regarding the activities of the special commissions; and
- drafting of the year programme and the accompanying budget for the following year (*Cf.* Sohn 1971:94).

With regard to the above, the General-Secretariat offered secretarial services to all the institutions of the OAU. Other aspects that were also determined in the functions and regulations of the General-Secretariat concerned financial control, financial resources, contributions from member nations and so forth (*Cf.* Sohn 1971:92-97). The permanent head office of the OAU, and thus of the Secretariat, would be situated in Addis Ababa (Sohn 1971:105). The General-Secretariat of the OAU had branches (Cervenka 1977:34-35) in the following cities in the world:

- New York: OAU Bureau: to ensure co-operation of the African states with the UN
- Geneva: OAU Bureau: to ensure that OAU resolutions with regards to decolonisation and apartheid would be implemented by special agencies of the UN; and
- Lagos: Executive Council for the Commission of Science, Technology and Research.

While the Secretary-General had no automatic right to participate in the deliberations of the OAU's institutions, in practice the Secretary-General and his assistants did attend the meetings. The Secretary-General had no authority to convene the Council of Ministers or the Assembly of Heads of State and Government meetings on his own initiative. Under the Charter he lacked the prerogative to develop political activities such as the UN Secretary-General is allowed to do under article 99 of the UN Charter. The leading OAU official had always been allowed much less leeway by member states. Both in the OAU's original constitutive documents and within the structural confines of Africa's inter-state relations his position was rather weak and any political role was severely circumscribed.

5.4.3.1 General-Secretariat staff and their working environment

Under the “Staff Rules and Regulations” of 1979 (CM/896(XXXI) Annex I and II 1979) OAU personnel was divided in three categories. The first group consisted of political appointees, that is, the Secretary-General and his Assistant Secretaries. The second group consisted of the “professionals” and technical staff. The latter comprised people with specific “technical” responsibilities, such as translators and editors. The professionals were those officials with managerial tasks, such as Chiefs of Sections, Heads of Divisions, Directors of Departments, the Inspector-General and Executive Secretaries. The third group was made up of general service personnel. This included clerical staff and auxiliaries and formed the largest group of functionaries (CM/896 (XXXI) Annex II Article 6).

Naturally, general working conditions have a strong bearing on the way in which the General-Secretariat operated. While salaries have often been regarded as insufficient (CM/December 57 (XII)), the Council of Minister’s decisions on other conditions of service have frequently been exemplary of an uncaring avaricious attitude (van Walraven 1999:175). The General-Secretariat had to cope with a host of problems caused by modest remuneration and limited funding. Poorly qualified personnel, administrative irregularities, limited promotion prospects, low morale, poor discipline and the lack of sufficient equipment were some of the bottlenecks.

As in many inter-African organisations, recruitment of staff had for long been a difficult undertaking. In the past, modest working conditions and continued expansion of OAU activities made the hiring of qualified personnel arduous. A complicating factor was the unwillingness of many governments to let qualified staff serve at the OAU in view of their own shortage of educated personnel. Recruitment in the OAU must also effect an even spread in terms of national and regional origins for staff, a vital requirement if the General-Secretariat wanted to preserve member state support for the execution of their functions (*Cf.* van Walraven 1999:173).

5.4.4 The Commission of Mediation, Reconciliation and Arbitration

The goal of the Commission of Mediation, Reconciliation and Arbitration (Article XIX of the Charter) rested on the conviction of member states, namely that all African disputes should be settled mutually by means of mediation, reconciliation and arbitration. This commission clearly had a very important role to play in Africa (Sohn 1971:66).

The constitution and working of this commission was approved by means of a special protocol of the Assembly of Heads of State and Government in Addis Ababa, 1965. According to this protocol the jurisdiction of the Commission is limited to disputes between African states.

However, if any party involved in a dispute refuses to be subjected to this jurisdiction, the matter would be referred to the Council of Ministers of Foreign Affairs. As far as membership numbers are concerned, the Assembly of Heads of State and Government appoint 21 members, but no member state may have more than one member in the Commission. A prerequisite for the nomination of such a candidate is that he should be in possession of a professional qualification. The Protocol makes further provision for detailed directions on how interstate disputes should be handled, role players involved, disputes heard and so forth (*Cf.* Sohn 1971:69-76 and Cervenka 1977:23-24).

5.5 The Specialised Commissions

The Specialised Commissions will be considered in greater detail below.

5.5.1 The Economic and Social Services Commission

According to Article XXI of the Charter, the Specialised Commissions should consist of the ministers of member nations or properly accredited representatives (*Cf.* Sohn 1971:66). According to Asante (in Van Wyk 1993:132), the overall goal of this commission was to accelerate the economic development and industrialisation of the

African continent: "...to...narrow the economic gap between Africa and the industrialised world..." and "...eliminate dependence and exploitation which have been responsible for the distortion of the development process throughout the continent..."

The action taken by the Commission was still subject to the directions of the Council of Ministers and that of the Charter (*Cf.* Sohn 1971:67). During the first meeting of this Commission (Niamey, December 1963) a plan of action was drafted in which it was undertaken to attend to the following aspects:

- Establishing an area of free trading between member countries;
- establishing general export tariffs between member countries;
- organising African Trade Exhibitions;
- establishing interstate African agreements regarding transport and communication on land, sea and in the air;
- establishing an African telecommunication system for the African continent as a whole;
- handling issues regarding payment currency agreements;
- establishing a payment and clearance union between African states;
- establishing a monetary area and a central bank of issue; and
- co-ordinating and harmonising national development plans (*Cf.* Cervenka 1977:71-72).

5.5.2 The Education and Culture Commission

During January 1964, the Commission of Education and Culture of the OAU met for the first time in Kinshasa. A decision was taken to establish an Inter-African News Agency immediately. The task of this agency would be to gather and analyse useful information in order to provide objective and unprejudiced news about Africa to Africa as well as to newspapers, radio and television world-wide. Accordingly a work programme was drafted, which had the following goals, namely:

- permanent regulations and emergency measures to eliminate language barriers in Africa;
- co-ordinating university education by the economic use of scarce resources;
- budgeting for manpower needs on the higher, middle and skilled levels;
- accelerated encouragement for the development of scientific and technological training;
- comparative studies of national educational systems of member countries in order to harmonise, nationalise and standardise educational systems;
- a national policy regarding the use of foreign assistance;
- promoting cultural and literary activities such as music, drama and art by artist exchange programmes, exhibitions, seminars and other festivals (*Cf.* Sohn 1971:68-69 and Esterhuyzen 1984:42).

PANA was however only established in July 1979 in Monrovia following a conference to bring about a policy regarding communication for Africa in Yaounde on 22 July 1980 (Esterhuyzen 1984:42 and the Rand Daily Mail 23 July 1980:4). A further Intergovernmental Council on Communication (ICC) was formed in 1988 because of the fact that PANA “...gave the impression that the OAU Ministers of Information were solely responsible for PANA. The ICC would co-ordinate actions undertaken in various sectors of communication on the continent including newspapers, television, radio, and film production ” (in Daily News 21 January 1988:3).

An Institute of African Studies also had to be established as soon as possible, with the following duties:

- promoting better mutual understanding between OAU member nations by studying general elements of the African culture;
- establishing an African library;
- translating the most important African works into the three most important African languages, that is, French, English and Arabic;
- awarding bursaries;
- organising seminars and symposia; and

- establishing central archives for African publications (*Cf.* Organisations of African Unity Report of Committee 11 1965:1).

This decision was taken during the second meeting of this commission in Lagos, 1965. During the first meeting of the Heads of State and Government (Addis Ababa, 1963) a resolution was made that would form the basis for the establishment of an Institute for African Studies, that read as follows:

1. “...to establish an Institute of African Studies, to be a department of the African University proposed by Ethiopia...”
2. “...the introduction, as soon as possible of programmes in the major African languages in the broadcasting stations of the various African states and the exchanges of radio and television programmes...” (in Cervenka 1977:25).

5.5.3 The Health, Sanitation and Nutrition Commission

In accordance with the directions given in Article XX of the OAU Charter (*Cf.* Sohn 1971:66), the first meeting of the Commission of Health, Sanitation and Nutrition took place in Alexandria during January 1968. On this occasion, the public health issue in Africa was studied and a public health department within the General-Secretariat of the OAU was suggested. The functions of such a department would be to:

- Create a Bureau of Documentation and Information to co-ordinate and make information available regarding public health in order to ensure standardisation in the following areas:
 - Training of staff for medical and public health activities;
 - African technological language;
 - African statistics; and
 - African health legislation
 - Establishing a syndicate of specialists from which Commission can compile technical committees to study specific health problems when needed. The

members of these committees would be appointed by the member nations and be tasked to study among other things the following aspects:

- The possible exchange of specialists and the recruitment of staff for the various public health programmes as well as staff in the medical para-medical and social and technological fields;
- the possible co-ordination of attempts of member nations to co-operate in the fight against endemic, epidemic and nutritional diseases that affect neighbouring African states. The co-operation should be harmonised in order to function effectively;
- the possible co-operation in the area of training and upgrading of the skills of staff in the different categories of public health services and research; and
- the possibility of developing all the human and material resources available to the member nations of the OAU to the optimal level for the benefit of all the nations of Africa, especially in times of emergencies and epidemics (*Cf.* Cervenka 1977:70-71).

5.5.4 The Defence Commission

Kwame Nkrumah can be seen as the initiator of the Commission of Defence with his call on African leaders in Addis Ababa, 1963 to establish an African High Command "...to ensure the stability and security of Africa..." The OAU therefore founded the Commission of Defence ... and (according to Grundy) "...gave it no power..." (Grundy 1968:11). The Commission of Defence convened for the first time during December 1963, in Accra, where a document entitled "Rationale for an African High Command" was drafted with great secrecy (*Cf.* Cervenka 1977:73). This document was then presented in Cairo (1964).

According to the document, the African High Command would:

- ensure the defence of the area's integrity and the independence of all the African states. This includes all external threats in whatever form and against any African state;

- offer support to all the freedom fighting movements in Africa. Eventually it would lead to a direct confrontation with the Republic of South Africa unless the internal policies there would change radically;
- not be used for the maintenance of the internal law and order of any member nation of the OAU without the express request of the currently chosen government of that country, and which would thus have to have the support of majority of people in that nation; and
- assume a definite organisational format as soon as the policy of an African High Command has been adopted.

The proposal above was deliberated by the Assembly of the Heads of State and Government, but did not proceed further (*Cf. Cervenka 1977:73-74*). The Commission of Defence, however, struggled to make headway. A meeting in Addis Ababa (December 1964) also did not come to much. The second meeting of this commission (Freetown, Sierra Leone, February 1965) could also only propose that an 'African Defence Organisation' be established (*Cf. Keesing's Contemporary Archives 6-13 March 1965:20625*).

5.5.5 The Commission of Science, Technology and Research

During the first meeting of the Commission of Science, Technology and Research it was agreed that the commission should carry out the following functions, namely to:

- handle all scientific and technical aspects regarding the general development of member countries, including aspects referred to the Commission by the General-Secretariat;
- encourage the training and exchange of scientific, technical and research staff;
- formulate scientific policies and carry out joint scientific programmes and technological research on request;
- promote the purposeful utilisation of scientific research to encourage the economic and social development of member nations;
- control external assistance programmes that are sponsored by the commission and that are of communal importance;

- provide all the necessary resources for the distribution of technological and scientific information to the workers of Africa; and
- do scientific surveys of the natural resources of Africa (Cervenka 1977:69-70).

The five special commissions mentioned above were reduced to three by means of an amendment to the Charter of the OAU (Article XX), in Addis Ababa, 1966:

- The Commission of Economic and Social Services;
- the Commission of Defence; and
- the Commission of Science, Culture, Education and Health (*Cf.* The Organisation of African Unity 1977:79).

Over and above the five initial commissions mentioned, a further two commissions were established during an OAU Conference at Cairo (20 July 1964), that is, the Commission of African Jurists and the Commission of Transport and Communication (Cervenka 1977:36).

The latter two will now be studied in more depth.

5.5.6 The Commission of African Jurists

The Statute of the Commission of African Jurists was embodied at the first meeting of the Commission at Lagos (January 1964). Except for the procedural rules regarding the working of this commission, the following goals were set out in Article II of the Statute:

- promoting and developing mutual understanding between African jurists;
- Promoting the concept of justice;
- Considering communal juridical problems, as well as those matters referred to the commission by any member nations or by the OAU itself;
- Promoting the study of African legislature, especially the African customary law at universities and institutes of judicial studies, and the progressive developing and codifying of these by African governments; and

- Studying international law and how it relates to Africa (*Cf.* Commission of African Jurists Inaugural Conference 1964:32-36).

In order to realise these goals, three organisational institutes were created within the Commission, namely:

- A General Council;
- The Executive Committee; and
- The Secretariat (*Cf.* Sohn 1971:100).

5.5.7 The Commission of Transport and Communication

The Commission of Transport and Communication only began functioning as an entity in September 1967 in Kinshasa. The frame of reference of the goals of this commission is essentially based on the same lines as the experience that economic prosperity in Africa is dependent on an effective and adequate transport service. This especially affected the tourism industry in Africa, because among other matters the African shipbuilding companies could not compete individually with the international shipping firms. This was especially because of the fact that existing harbour facilities led to a decrease in shipping. In the light of the above, the Commission proposed that:

- national main roads be developed and improved to fulfil the local, regional and continental needs;
- Plans be drawn up to ensure that legislation regarding transport, route codes and symbols, the registration of vehicles and drivers' licenses could be harmonised;
- Methods be found to utilise and make the existing waterways and lakes of the continent available as means of transport;
- Urgent attention be given to maritime transport, freight costs and industrial procedures in harbours to ensure the direct support of African shipping lines; and

- The Secretariat be informed regarding regional relationships so that specialist knowledge and information regarding this matter could be spread throughout the African continent (Cervenka 1977:75-76).

However, the activities of the special commissions did not materialise, and according to Cervenka (1977:74), the “various projects anticipated by the Special Commissions unfortunately mostly remained on paper only”.

5.6 Ad Hoc Commissions

Only a few of the ad hoc Commissions of the OAU deserve mention, since most of them played a rhetorical rather than a developmental role in African politics and in the international political arena.

5.6.1 The Commission of Liberation

The Summit Conference of Heads of State and Government (May, 1963: Addis Ababa) decided: "...to support liberation movements in the remaining non-self-governing territories through a special Co-ordinating Committee of nine members, through a Special Fund 'to supply the necessary practical and financial aid' to the various African national liberation movements, through giving 'training in all sectors' to nationalists from liberation movements" (Sohn 1971:2). Wallerstein (1967:227) points out that the liberation movement up to that time "...did what they wanted, sought aid from whom they wanted, and got it where they could...But by 1963, ...it was clear to all Africans that the liberation of territories within the hard core of white domination – Portuguese Africa, Rhodesia, and South Africa – required new and more co-ordinated techniques. It was thus the initiative of the liberation movements themselves and to the great applause and relief of the independent states, that the forming conference of the OAU created the African Liberation Committee."

Thus the Liberation Committee was founded. Because of the fact that there was no provision in the Charter of the OAU for such a committee, it was formed on an ad hoc basis to replace the Permanent Secretariat of the “All-African People’s Conference” in Accra (Leistner 1984:126). The goal of the Liberation Committee was to liquidate

colonialism and was therefore in direct line with the goals of the OAU. The functions of this committee can be summarised as follows, namely to:

- act as head quarters of subversive operations in Africa;
- act as the official channel to purchase weapons from Soviet-Russia, Communist China and Czechoslovakia;
- co-ordinate diplomatic relations between African states; and
- serve as main communicator between recognised de facto accredited liberation movements in Africa (Cervenka 1977:50).

Cervenka (1977:50) notes that “The original terms of reference of the Liberation Committee set out in the Resolution on Decolonisation in 1963 were elaborated in the Rules of Procedure of the Committee which described it as follows:

- to be responsible for the co-ordination of all assistance provided by African countries in the liberation movements;
- to manage a special fund set up for that purpose and to submit its own budget to the Council of Ministers for approval;
- to promote unity of action among the various liberation movements s in order to make the best use of the assistance given to them; and
- to offer its good offices to conflicting liberation movements for the purpose of reconciliation.

The structure of the Liberation Movement was set out as follows:

- A Permanent Committee of Information, Administration and General Policy;
- a Permanent Financial Committee;
- a Permanent Defence Committee; and
- an Executive Secretariat (Cervenka 1977:50).

Initially the membership of this committee was stipulated to be 9 (1963), but it was later extended to 21 in 1977 (Cervenka 1977:52). The existence of the Liberation Movement was and still is threatened by ineffectual actions as well as internal

political under currents and an ongoing shortage of funds. In connection to this, the Council of Ministers decided on 31 October 1966 that:

- A new committee of 10 members should be appointed and charged with the responsibility to find methods to make the Liberation Committee more effective;
- The Executive Committee of the Liberation Committee would be placed under the direct control and supervision of the Administrative Secretary-General of the OAU; and
- Any initiative that takes on a political flavour would be kept out of the activities of the Liberation Committee (*Cf.* Keesing's Contemporary Archives November 26 – December 31966:21739-21740).

It was suggested that the number of members of the Liberation Movement should be divided equally between English and French countries (Keesing's Contemporary Archives, 11-18 October 1969:23670). El-Khawas (1977:25) pointed out that member countries shortly after the founding of the OAU already made a habit of it not to pay their membership fees, and in so doing also placed pressure on the Liberation Committee regarding a lack of funds.

The idea was to re-organise the Liberation Committee on the basis of the Security Council of the UN, so that permanent as well as non-permanent members would be able to belong to it (*Cf.* Cervenka 1977:19-20). Allegations regarding corruption in the appropriation of the funds of the OAU – such as *inter alia* that the freedom fighters stay in luxury hotels in Dar-es-Salaam and wear stylish suits – prompted a spokesman of the Liberation Committee to respond as follows: "Of course there are renegades in every movement" (*Cf.* Keesing's Contemporary Archives 11-18 October 1969: 21739).

A situation has been developing in the above committee since 1976 in which the militant attitude of the committee regarding the liberation of South Africa, as well as its stance regarding Israel's occupation of Arab territory, has led to conflict within the OAU itself, where moderate elements still had enough authority in the OAU to

dismantle the committee until it was a meaningless subordinate committee of the OAU (Cervenka 1977:62-63). The rhetoric aggression of the Liberation Committee was and still remains one of its most important characteristics. Colonel Ignatius Acheampong, a former head of state of Ghana, for example, declared at a session of the Liberation Committee held in Accra in January 1973: "Every White man who subscribes to the doctrine of White supremacy is in our eyes an aggressor" (*Cf.* Keesing's Contemporary Archives 26 March – 1 April 1973: 25800).

Against this background, the value of the OAU Resolution on Disarmament (Addis Ababa, 1963) can be brought into question – how can aggression be renounced on the one hand, but the fires of aggression stoked on the other? (*Cf.* Cervenka 1977:23).

5.6.2 Bureau for Refugees

The Bureau for Refugees was established as the result of a decision of the Council for Heads of State and Government taken at Accra on 24 October 1965. The goal was to ensure the safety of political refugees from non-independent territories in Africa, and to support them in their struggle for freedom in those areas (Sohn 1971:116). Only in 1968 did this bureau gain ground with the founding of the so-called "Bureau for the Placement and Education of African Refugees" that had as its basis a Convention for the Control of Aspects regarding Refugee Problems.

In accordance with this convention the status of the refugee and his right to claim asylum had to be acknowledged by all African states: "No longer are refugees subject to rejection at the frontier, to return or remain in a territory where their life or freedom would be threatened" (The Organisation for African Unity 1977:18-19).

5.6.3 The All-African Trade Union Federation

Although the All-African Trade Union Federation had already been founded in May 1960 (with one trade union from every African state to have one member (Wallerstein 1967:208), its driving power led to a decision of great magnitude by the Assembly of Heads of State and Government at the first session of the OAU in 1963, namely that the Committee of Specialists had to undertake a comprehensive study regarding the

social and labour problems in Africa and draft a detailed programme for elevating the current social standards and at the same time ensuring co-operation in Africa by:

- exchanging social and labour laws;
- establishing an African Youth Organisation;
- organising an African Scout Union and an annual continental festival;
- organising an annual African games;
- organising annual career training course in which African workers can take part; and
- establishing an African Trade Union (Cervenka 1977:24-25).

According to Wallerstein (1967:209), trade unions are generally regarded as "*avant-garde*", in other words, they try to change the social structure of a state by placing ever increasing pressure on it by way of a group of inherent role players in order to reach their set goals sooner. In order for a trade union to be effective and efficient, it has to assume an organisational form that can become involved in specific agreements with the most important interest groups in the social structure concerned. African trade unions have in this case the most valid claim to holding on to their "*avant-garde*" positions, for reasons, which can be summarised as follows:

- National trade union leaders were all usually second tier political leaders: In nearly all cases they were active participants in the political process that saw the activities of trade unions as part of their greater political connection;
- These leaders showed a tendency to represent a segment of the population who found themselves in a similar social situation: Trade unions in Africa represent, in most cases, skilled workers, teachers and union government employees;
- Trade unions had at their disposal relatively strong and permanent structures. They also had a network of trans-national connections between African states as well as with the rest of the world, which at the same time operated independently of any other political or diplomatic channels;
- Trade unions were not allowed free political action by nationalistic movements or independent African governments: If they overstepped their

boundaries too much they were either repressed or their leaders replaced. Thus they did form the legal majority in the political opposition, but were limited in the degree to which they could form public opinion or deviate from the acceptable behaviour; and

- The existence of such subtle (yet legal) opposition in a considerable number of less radical African states made it possible to form organisational relationships in the interest of African unity where it might otherwise have been impossible (Wallerstein 1967:176-178).

The sensitivity of the economy of the Republic of South Africa for trade union action is made clear in *The Round Table* (October 1981:299): “The Republic’s economy is based on black and Coloured labour, whose power has not yet been mobilised...The latent power is there...and it is capable of exerting itself by lesser means than general strikes or revolutionary manifestos.” Shortly after this the trade unions then also became part of the unrest in South Africa. *The Economist* (25 July 1985:36) states regarding this: “The infuriated town-dwellers of the industrialised areas got their labour unions to protest. Until then the unions had tried to avoid overt politics. After a three-day strike, the government detained the country’s two top black union leaders. The unions were now in the fray.”

5.6.4 The Human Rights Commission

During July 1979, the Assembly of Heads of State and Government of the OAU commissioned the Secretary-General of the OAU to convene a meeting of human rights specialists. The goal of this meeting was to compile a Charter of Human Rights and the Rights of Nations. The incumbent Secretary-General at that time described this decision as: "...a historic decision, it being the first occasion that the OAU had adopted a resolution on human rights... (*Cf.* Keesing’s Contemporary Archives 16-13 November 1965:29843).

The Charter mentioned above was approved in Nairobi in June 1981, with the following as its goal: "...to curb the powers of tyrannical regimes...In the preamble to the Charter the OAU accordingly affirmed 'its duty to achieve the total liberation of

Africa' and its 'undertaking to eliminate colonialism, neo-colonialism, apartheid and Zionism'..." (*Cf.* Keesing's Contemporary Archives 6-13 November 1965: 31055).

This commission would, according to manifold directives, investigate complaints regarding human rights violations, brought forward by individuals, groups or African governments. The commission would consist of 11 African personages who had to come to unanimous decisions, or otherwise the various opinions had to be submitted in secret to the Assembly of Heads of State and Government for resolutions to be passed (*Cf.* Keesing's Contemporary Archives 6-13 November 1965: 31055).

The Bill of Rights and the Law of Nations however only came into use in February 1987 when the OAU declared that it would establish a commission that would both monitor and investigate the failure to appreciate human rights and the violation of human rights by the member states of the OAU. According to the declaration, many problems were foreseen with the so-called implementation mechanisms. It was also noted that "Africa is an area where some of the world's worst human rights abuses have been and are taking place...Thousands are in prison for their beliefs, many held without charge or trial. And torture, death and disappearances are widespread..." (*Cf.* Weekly Mail 26 February, 1987:8).

5.7 Member nations of the Organisation of African Unity

Article I (2) in the Charter of the OAU stipulates that: "The Organisation shall include the Continental African States, Madagascar and other Islands surrounding Africa."

At the same time, Article IV stipulates that: "Each independent sovereign African State shall be entitled to become a member of the Organisation" (Tanden in The Round Table 1972:221).

The legal interpretation of the above also gave each independent African State the right to become a member of the OAU, as long as a state as contemplated in Article VI kept to the principles set out in Article III of the Charter. Article V also stipulated that all states would have equal rights and equal responsibilities (Andemicael 1976:12). According to this, then, no impediment could be found when South Africa

applied for membership of the OAU ... this only became impossible at Kampala in 1978, with the adoption of the so-called "Resolution on the Admission of New Members", which stipulated that the South African policy of apartheid was in opposition to the basic objectives on which the OAU was founded (Cervenka 1977: 16). According to Tandon (in The Round Table 1972:221) "the OAU is a regional organisation of which ...its jurisdiction is geographically confined to the continent of Africa."

This once again labelled South Africa as the common, external enemy of Africa. According to Article V of the Charter, member nations could lay claim to the following rights:

- to be represented on all the important institutions of the OAU and to be allowed to seek election on all special committees that may be created by such important institutions of the OAU;
- to have one vote on each of the organisational institutions of the OAU;
- to be able to request a special meeting of the Heads of State and Government according to their needs, on condition that such request be supported by a two-third majority of the member nations;
- to nominate representatives to any gathering within the framework of the organisation and the General-Secretariat;
- to receive all certified communications from the Secretary-General;
- to choose to terminate their membership of the organisation; and
- to request amendments to the Charter as long as the request falls within the limits of the directives of Article XXXIII of the Charter (Cervenka 1977:42).

The issue of observer status in the OAU has led to infighting in African ranks on various occasions, and should as such also be given some attention. Observer status may only be awarded to African institutions, and three categories were covered:

- **Category A:** Includes governments that are in exile as well as liberation movements of African areas that are under colonial oppression and that are acknowledged as such by the OAU and international organisations or their

specialised agencies and that have signed co-operation agreements or consultation agreements with the OAU and inter-governmental organisations in Africa and at the same time have fundamental interests in most of the activities of the OAU member nations and comprise a large number of African member nations;

- **Category B:** This category covers inter-governmental organisations in Africa that have special skills and that have an interest in a certain number of OAU activities; and
- **Category C:** This includes inter-African non-governmental organisations, associations, unions and other institutions (Cervenka 1977:60).

From the above it can be deduced that observer status can be awarded to anything with an African flavour. On this basis, liberation movements were classified as *de jure* governments in exile of a dependent state and were thus awarded observer status at the OAU (Cervenka 1977:42). Thus were liberation movements such as the African National Congress (ANC): Zimbabwe, the ANC: South Africa (ANC), the Pan-African Congress: South Africa (PAC) and the South West Africa People's Organisation: Namibia (SWAPO) given the opportunity to voice their point of view from a public forum, and as such they could influence decisions made by the OAU (Dube 1971:14).

The enforceable authority of the OAU becomes abundantly clear from the fact that the resolutions of the OAU regarding member countries are merely suggestions and cannot be enforced *per se*. If, for example, a member country does not observe decisions taken by the OAU, or even if the principles of the OAU Charter are not complied with, there seems to be no retaliatory measures the OAU can take against that member nation (*Cf.* Andemicael 1976:12).

The Charter of the OAU did not provide measures for expelling or dismissing member nations, and suspension of members' rights may only take place if the state concerned should itself request suspension. Even so, the suspension only comes into effect a year later, once written notice has been given to the Secretary-General of Article XXXII of the Charter (*Cf.* Sohn 1971:68 and Andemicael 1976:12).

Cervenka (1977:80-81) pointed out that the Charter of the OAU created a loose international organisation that is based on voluntary co-operation. The OAU does not contain any of the super national characteristics that are normally found in a federal or quasi-federal structure. The explanation for this can be found in the attitude of nearly all the new independent states of Africa regarding their newly won sovereignty. Accordingly none of them was willing to submit themselves to any super power, whatever benefits this may hold for them. The ever-present suspicion that something might lead to the loss of their sovereignty, has constantly led to the manifestation of negative and even aggressive behaviour of the African states. An example of this is the negative behaviour of the African states regarding the proposal that came from Ghana to establish a continental Government of the Union of Africa. M'uyinga's (1982:42) point of view is that the weakness of Pan-Africanism lies in the lack of insight, active performance and overall understanding of African unity. Yet Chime remarks that: "The familiar fact is rather the consistency with which Africans at all levels subscribe to the desire for continental unity in principle" (Chime 1977:50).

5.8 The functional relationship of the Organisation of African Unity with the United Nations

When the OAU was founded in 1963, a resolution was adopted that re-affirmed the dedication of the African states towards the UN. Thus, the UN was identified as the best forum for promulgating the African point of view and grievances, and at the same time came forward as the most effective and efficient resource in the struggle against apartheid and colonialism (Cervenka 1977:23). It is clear that the African states already had close ties and influence with the UN before the founding of the OAU. The Charter of the UN can be described as a "...global 'Bill of Rights'..." In this regard, Spence remarks: "In effect, what the UN did was to legitimise the ideology of anti-colonialism both as ideology and as strategy ... [as] Geoffrey Goodwin, once perceptively remarked, the UN 'has become a mechanism through which race relations are apt to be transformed into international relations" (Spence 1986:22-23).

Erasmus (1985:33-34) casts further light on the new role of the UN and thus on the exceptional relationship it accordingly maintains with the African states. According to him (1985:34), "The doctrinal foundation of the UN might be that of liberation, but

not the 19th century version of the night-watchman state. It is rather the 20th century one of New Dealism, as Claude describes it. This has meant a more assertive and activist organisation. This trend has gone hand in hand with the influx of newly independent states. The priorities are no longer those of 1945, the days of the East/West conflict. The emphasis is now primarily on the needs of new members, on their quest for self-determination. This started with political self-determination (decolonisation) and has come to focus on economic development. Self-determination has also become linked with a basic human rights issue, namely that of racial discrimination, a characteristic of colonialism. Apartheid itself was described as race conflict threatening international peace as early as 1952. The hostility towards South Africa has grown to the point where the most fundamental UN principle, that of preserving international peace, is being reinterpreted". In this regard, Andemicael (1979:29-30) remarked: "An example can be found in the "Declaration on the Granting of Independence to Colonial Countries and People" – Resolution 1514 (XV), which was regarded by certain observers to be a reinterpretation of the UN Charter as it tried to extend the obligations of the administering Powers under Article 73 of the UN Charter from one of merely developing dependent Territories toward self-government to one of taking 'immediate steps' in all territories ..., 'to transfer all powers' to the peoples concerned, without any conditions or reservations, in accordance with their freely expressed will and desire...in order to enable them to enjoy complete independence and freedom...it also registered a new notion about the relation between colonialism and the maintenance of peace...".

With this manipulated stance of the UN as base, the African group, as representative of the OAU at the UN, used every possible opportunity to garner support for the right to use violence as a means to end colonial dominance. Against this backdrop they tried to effect the legitimacy of the offensive actions of liberation movements in Africa. Thus the African group established the doctrine, with great acknowledgement from the General Assembly of the UN, that people who were exposed to colonial oppression should be empowered to seek and receive assistance in their struggle against it, as long as it is in accordance with the goals and principles of the UN Charter.

The resolution, in which this doctrine was summarised, made an urgent plea to all states to do everything in their power to ensure that the necessary measures would be taken so that the right of the self-realisation of those nations still suffering under colonial rule would be protected (Erasmus 1985:28-29). Andemicael (1979:28-29) also notes “The legitimacy of the use of force has been recognised by the vast majority of member states, but several states have reservations about the legitimacy of military support for such movements.”

The OAU as regional organisation in Africa also found its right to existence in the Charter of the UN. According to this, nothing in the Charter of the UN precludes the existence of any regional organisation or agency that has anything to do with maintaining international peace and security on a regional level. The only prerequisite is that such regional institutions and their activities should be in line with the goals and principles of the UN (*Cf.* UN Charter 1972, Article 52). However, the prior acknowledgement of the OAU did not mean that the OAU adhered strictly to the directives of the UN Charter. In the Ghanaian weekly Spark of November 1967, for example, the Secretary-General of the OAU voiced his opinion that there was a multiplication of commissions and agencies of the OAU that functioned parallel to existing UN commissions and agencies. This led to the perception in OAU ranks that OAU agencies and commissions were abused as subordinate UN institutions. However, OAU members refused to formally or legally enter into such a relationship or to give official interpretation to it (*Cf.* Cervenka 1977:110-113). In this regard Cervenka (1977:36) states that “This was never properly understood by the officials of the UN regional offices in Africa, who were accustomed to UN monopoly and were not prepared to surrender it in favour of any Pan-African schemes”.

The pressure put on the UN by the OAU campaign was so successful that by the late sixties Western super powers found themselves to be in the minority in this world forum, and had to fall back on their entrenched positions in the Security Council of the UN to protect themselves against international pressure from the ranks of the OAU (Legum in Carter 1982:123).

Tothill (in *International Affairs Bulletin* 1986:43-44) remarked in this regard, “More than 75% of the UN members consist of Third World States. The Russians play along with these states while the Americans often oppose them and thus have experienced

many a defeat in the General Assembly of the UN. A well-known defeat was that in which Zionism was placed on equal footing with racism and condemned. "Third World countries use their built-in majority in the Assembly and in bodies such as the Commission on Human Rights to prevent scrutiny of their own well-documented shortcomings. Thus, the UN will never pass resolutions on genocide in Cambodia or human rights violations in Milton Obote's Uganda and elsewhere in Black Africa...Small wonder that the organisation is accused of 'double standards'".

No wonder, therefore, those decisions by the UN could so easily isolate South Africa! Among others, South Africa's rights were terminated as member of the ILO – June 1963), the WHO – September, 1963), the FAO – December 1963); furthermore, South Africa was also excluded from the UN Conference on Tourism (August 1963) and from the Olympic games in October 1963 (*Cf.* Wallerstein 1967:70).

Over a period of forty years the Third World proved successful in instilling new legal norms and moral values in the political system, with far-reaching consequences. It was simply not possible any more to defend the point of view that what takes place within a state was of no concern to the rest of the international community. The traditional values of international politics, and the doctrine of domestic jurisdiction, were therefore considerably weakened (Spence 1986:23-24).

The success of the OAU was essentially due to the manipulation of the UN and the European Economic Community and not because of mutual co-operation between any of the super powers and the OAU member nations. This point of view clearly carries more weight than might be expected, especially if noted what Tothill wrote about the matter: "He who pays the piper does not call the tune at the UN. On the contrary, the instigators of most of the organisation's programmes are those who contribute the least to its budget (\$1,6 billion for 1984-85). Seventy-nine Third World countries, half of them African, together contribute 0,79 per cent, or 0,01 per cent each ...The Third World's share [has] dropped as they have increased..." (Tothill in *International Affairs Bulletin* 1986:44).

5.9 The relationship of the Organisation of African Unity with the Non-Aligned Movement

The agreement between the OAU and the Non-Aligned Movement was clearly stated in the goals of the movement:

- to attain the maximum economic assistance from both opposing East/West power blocks;
- to maximise opportunities in order to minimise internal economic needs;
- to increase diplomatic influence that would leave enough space for manoeuvring in order to influence the actions of both power blocks;
- to bring about national unity in the states where religious, tribal and language conflicts are rampant; and
- to defend the independence of states and satisfy their economic and social needs in cases where the state concerned is situated far from the main areas of international conflict (*Cf.* Holsti 1974 :108-109 and Shepherd 1970:6).

According to Shepherd (1970:6) the practical aspects of non-alignment was:

- self preservation;
- cultural and ideological autonomies; and
- economic growth and modernisation.

The threatening confrontation between the two super powers the US and the USSR since World War II caused a great degree of fear among developing nations – fear that all their aspirations regarding independence would prematurely go up in flames. This made an important contribution to the transition towards a striving for un-alignment. The new nationalistic leaders of Asia and Africa, however, had discovered that they had interests that were removed from the priorities of both the Western world and the communist forces (Holsti 1974:108-109). It was against this background that the Non-Alignment Movement of the Third World came into being at Belgrade in September 1961.

There were twenty-five un-aligned states present, and a plan of action, consisting of 27 objectives, was approved. The plan of action showed a marked resemblance to the

goals later adopted by the OAU and as such the Non-Alignment Movement was a forerunner of the OAU. However, the movement remained in existence after the founding of the Non-Alignment Movement. The conference mentioned above was followed (among others) by conferences in Cairo (1964, 47 member states); Lusaka (1970, 54 member states); Algiers (1973, 976 member states); Dakar, 110 member states); Lima (1975, 78 member states); and Havana (1979, 95 member states) (Degenhardt 1981:389-393) and thereafter there was a conference more or less every three years throughout the 1980s and 1990s.

The principle of non-alignment became entrenched by this active conduct, so that it now has to be acknowledged as a decisive factor in modern world politics. If the membership figures of non-aligned countries should be studied, it becomes clear that they consist mainly of states in Asia, Africa and Latin America (Esterhuyzen 1992: 97). Since the founding of the Non-Alignment Movement in 1961, there has been a certain amount of discord (Esterhuyzen 1992:387). Esterhuyzen (1992:387) also remarked that with the meetings it was hoped to bring about "...closer solidarity in economic, cultural and political fields..." The East-West involvement of the member nations of this organisation also became clear in July 1969 (Belgrade) when the presence of American soldiers in Vietnam was renounced very severely, while no mention at all was made of the soldiers of Soviet-Russia in Czechoslovakia.

As a result, 20 states would not support the final declaration of the conference (*Cf.* Keesing's Contemporary Archives Belgrade Conference of Non-Aligned Nations 1964:18604). From the above it is clear that the input of non-African states influenced the direction of the Non-Alignment Movement and did not – like the OAU – look after the interests of African states only. It can also be deduced from this that non-aligned nations could not depend on the support of the OAU, whereas the Non-Alignment Movement gave on-going recognition to African states and their needs.

Thus the OAU received observer status at the third International Conference of unaligned states held at Lusaka in September 1970. This occasion was also seen as the first public acknowledgement of direct support to the so-called liberation movements of Africa (S A Institute for International Affairs, Resolutions of the Third Conference on Non-Aligned States 1970:2).

A decision by the Advisory Conference of the Non-Aligned Movement in Belgrade (July 1969) supported the already established Group of 77 from the ranks of the OAU, and thus made a contribution to further attempts to bring about economic change in Africa (*Cf.* Keesing's Contemporary Archives Non-Aligned Countries 1969:23663). Clearly the African states regarded the Non-Aligned Movement as a further resource through which the developed states could be extorted for more economic assistance to developing states. This point of view found expression in the pressure that was put on the UN during the Seventh Special Session of the General Assembly of the UN (September 1975) (*Cf.* Keesing's Contemporary Archives United Nations: Seventh Special Session of the General Assembly 1975:27389).

From the above it is clear that OAU member nations had an important role to play in the Non-Aligned-Movement. The relationship between the OAU and said movement can therefore be seen as one of mutual support to attain specific common goals.

5.10 Conclusion

The OAU was established on 25 May 1963 in Addis Ababa, on signature of the OAU Charter by representatives of 32 governments. The formation of the OAU was a milestone in the decolonisation of the continent as it gave new political impetus to African peoples struggles to rid the continent of all vestiges of colonial oppression and economic subjugation. In this context, the founding principles of the OAU, laid a firm basis for the continued unity and solidarity of Africa. These were, *inter alia*:

- to promote unity and solidarity of the African states
- to protect their sovereignty, territorial integrity and independence;
- to exterminate all forms of colonialism in Africa;
- to co-ordinate and intensify their co-operation and efforts to improve the standard of living in Africa
- to promote international co-operation in terms of the principles of the UN Charter and the Universal Declaration of Human Rights

In this chapter a structural-functional approach (See Chapter Two) has been followed in order to provide a framework for the functioning of the OAU. The chapter explored the objectives of the OAU, the organisational and functional structure of the OAU (The Assembly of Heads of State and Government, the Council of Ministers, the General-Secretariat, the Commission of Mediation, Reconciliation and Arbitration, the Specialised Commissions, and other Ad Hoc Commissions). A general overview of the member nations of the OAU, the functional relationship with the UN, and the relationship of the OAU with the Non-Aligned Movement were also given.

To enable it to perform its functions, various institutions have been created under the Charter, as illustrated and discussed in this chapter, at the head of the organisational structure is the Assembly of Heads of State and Government. This institution met annually and during these meetings the policy of the OAU were defined and co-ordinated. The agenda for these meetings is set up by the Council of Ministers. This Council meets twice a year in order to supervise the general work of the OAU. The Council is also called into emergency session when crises demand so. The Council is responsible for the implementation of the decisions of the Assembly of Heads of State and Government.

The Organisation also has a permanent General-Secretariat. At its head is a Secretary-General. The organisational structure further consists of five functional specialised commissions about questions such as economic affairs and defence issues. A Commission of Mediation, Conciliation and Arbitration must hear differences brought to it by the parties involved, The Council, or the Assembly, and settle them in a peaceful manner. The parties involved in a difference can, however, reject the jurisdiction of the Commission.

The OAU has been a crucial platform in championing the aspirations and interests of African states and has since its inception developed into a political and economic forum of Africa. It was a uniquely African institution, created by African states as vehicle to serve Pan-African interests –it was a natural focal point for the foreign policies of its member states.

The next chapter will be focusing on the role of the OAU as a multi-functional regional organisation, in regional co-operation and stability. The OAU survived various crises that have threatened its survival. It has, however, not been as successful as was originally envisioned. It appears, however, as if it's modest political, economic and social success is sufficient to justify its attempts and to ensure its continued use in the form of the newly established AU.