

CHAPTER SEVEN

EVALUATION, CONCLUSIONS AND PROPOSALS

7.1 Introduction

The objective of this thesis was mainly to describe and analyse the special role played by the former Organisation of African Unity (OAU) in regional co-operation and stability in Africa, based on the role of an IGO in International Public Administration. In this last chapter of the thesis the study objectives, appropriate conclusions and proposals are addressed, based on the role the OAU played in fulfilling its mandate, promised through its Charter and accompanying structures and mechanisms. This is followed by the findings that emerged from the research results as analysed in the previous chapters. The question, “What was the influence of Africa’s political history on the role of the OAU as an international governmental organisation in regional development and co-operation and does it allow the continuation of the AU to ensure economic and political union on the African continent?,” formed the core of the statement of the problem as discussed in Chapter One (see section 1.4). To facilitate research and to investigate the problem identified in this study, the focus was subdivided into six study objectives, as analysed in Chapter One (see section 1.7):

- explain the theoretical foundations of IGOs and define and examine the concepts, theories, approaches and classifications that justify the role of an IGO;
- determine the origin and nature of regional organisations in order to provide a theoretical basis for analysing regional co-operation in the OAU;
- provide a historical overview of the origins and founding of the OAU;
- examine the nature of the OAU and provide a structural-functional analysis of its role;
- examine and evaluate the role of the OAU as an IGO in regional co-operation and stability until the establishment of the AU; and
- draw conclusions and evaluate the efficiency and effectiveness of the OAU in promoting economic co-operation, progress, peace and stability in Africa.

Information was collected that would address all these study objectives, individually and/or collectively. The first two objectives constituted the theoretical foundations of a regional IGO as these emerged from the discipline of International Public Administration. The last three study objectives dealt with the information and findings resulting from the study of primary and secondary sources that was undertaken to provide a basis for the evaluation of the OAU's role. To ensure that this study is also seen as an appraisal of a process and not only as a description based on information in the preceding chapters culminating from the various objectives, new insights will also be provided in this chapter to substantiate the findings made in the previous chapters, in order to draw conclusions and make recommendations on the role of the newly established AU.

7.2 Objective one: Explain the theoretical foundations of IGOs and define and examine the concepts, theories, approaches and classifications that justify the role of an IGO

The purpose of this objective was to provide a conceptual theoretical schema of IGOs that would lay the foundation of the mandate and role of the OAU as an IGO. To achieve this, Chapter Two reviewed the range of core theoretical foundations on which the role of the OAU was premised. Attention was paid in this theoretical overview to clarify and describe the core concepts and characteristics of international/regional governmental organisations in order to underpin the establishment, development and functioning of IGOs within the international community.

Among other things, it appeared from the information obtained from the research literature that IGOs are manifestations of the activity of organising the international community. To understand the establishment and development of the OAU better, specific theoretical foundations were considered and various reasons were advanced for the establishment of an IGO, including the following:

- the exploitation of technological progress for commercial purposes;

- the pursuit of peace; and
- the promotion of human rights and material welfare.

As argued in Chapter Two (see section 2.1), the selection of a method for the study of the role of the OAU as a regional IGO is confronted by many problems of a technical and interpretative nature. To facilitate understanding of these difficulties, some background was required on the nature of the theoretical foundations of IGOs.

The objectives in establishing IGOs were explained with reference to the aims to bring about the improved functioning of the inter-state system, as well as to facilitate co-operation between states without affecting their sovereignty. Four theories were selected that were seen as constituting the theoretical foundations and motives for the establishment and development of IGOs, namely confederalism, federalism, functionalism and public goods.

Based on the above theories, it was argued that regional confederalism manifested itself in the establishment of the OAU. It was further argued that the aim of confederalism is co-operation between sovereign states without relinquishing sovereignty. Decisions in such a structure are not enforceable. Confederalism is seen as a stage in the greater process of the integration of states and is therefore sometimes referred to as international federalism. From the above it is clear that the locus for the establishment of the OAU was influenced by this theory, because OAU member states did not relinquish their independence, despite a need for co-operation.

Federalism entailed co-operation among states, but with the retention of sovereignty, which is usually guaranteed in a founding document. In their own fields, both the federal government and the constituent federation governments are supreme. Confederations and federations are all created voluntarily. The aim of the OAU was to establish co-operation, but not strictly in terms of the characteristics of these two theories. By observing the functions and ambitions of both the AU and the EU, many similarities are notable. This is largely due to the success of the EU in creating a unique regional federal integration project that is neither a federal unified European

state, but which has allowed the creation of institutions that promote the “pooling” of national sovereignty for the advantage of the European continent.

The two phases in the development of functionalism, namely early functionalism and neo-functionalism, were explained. The early functionalists saw the establishment of functional IGOs as a way of achieving and facilitating international co-operation without imposing any restrictions on governments. Depending on the need, specific organisational arrangements should be made for the establishment of an IGO. Powers should also be assigned to it. The secretariats of such institutions should consist of expert career staff who take professional pride and interest in rendering a public service, whether regional or international.

Neo-functionalism stressed international co-operation in demarcated fields. Attention was also paid to co-operation in matters that are politically important and could therefore be controversial. The ultimate purpose is that further integration should spontaneously follow sectoral integration. The OAU’s policy directives on politically important matters were never directed towards sectoral integration and implementation.

The theory of public goods and the establishment of institutions are aimed at obtaining benefits for the group. This benefit is characterised as public goods. The theory entails a paradox that is explained on the basis of certain phenomena. The relevance of the theory lies in the fact that it helps to explain the establishment and functioning of IGOs. The WMO is an example of an institution that reflects the purposes of this theory.

It was also an aim of Chapter Two to determine the views of groups of states regarding such institutions in order to gain a better understanding of international co-operation. Each of the viewpoints or approaches focused on specific and unique aspects of IGOs, and on their characteristics, functioning and circumstances. As such, each approach played a special role in the accumulation of information on international co-operation and on the variety of IGOs that exist and function within the international system. It is also important to understand the perspectives and views of groups of states on the role and objectives of IGOs, since these views often lead to

conflict within institutions and complicate the implementation of decisions.

The classification of IGOs remains problematic because it requires, among other things, an investigation of the similarities among and differences between the large numbers of institutions encountered in the international community. For this reason, there is still no single, universally accepted classification. The aim of classification is the arrangement of information on IGOs in order to gain a better understanding of the objectives and functioning of such institutions. Chapter Two (see section 2.8) and Three (see sections 3.5, 3.6, and 3.7) dealt with the facets of the classification of IGOs, namely objective and membership, objective, powers and functional scope, geographic and functional scope, scope of powers and functional integration. Chapter Five dealt with the specific classification of the powers and functions of the OAU.

The replacement of the distinction between national and international politics as a result of the greater interdependence between entities in the international community and the trans-national nature of economic issues are particularly noticeable in present times. It can thus be expected that greater interdependence will also lead to improved co-operation between states. It was argued that regional organisations such as the OAU are the logical consequence of this.

7.3 Objective two: Determine the origin and nature of regional organisations in order to provide a theoretical basis for analysing regional co-operation in the OAU

Over the past decades, the international economic order has increasingly been restructured according to a regional geographic and functional location. Another area of enquiry that was helpful in understanding the role of the OAU was in the broad area of regional co-operation (see Chapter Three, section 3.8).

Within the context of this objective, Chapter Three provided an overview of the nature and origin of regional organisations. It contained contributions that looked at the numerous problems in defining and classifying regional organisations. Attention was paid to the concept “regional organisation” from a conceptual angle, the basis of co-operation in regional organisations, and the question of sovereignty and supra-

nationalism in regional organisations. On the basis of the various methods of classifying regional organisations, six types (see section 3.11) of regional organisations were distinguished and examples of each were provided. The influence of international politics on the nature of regional organisations was also dealt with. Finally, the functions that influence the nature of regional organisations were distinguished on the basis of three types of regional organisations. These three are common to all classifications, namely: regional defence organisations or alliance-type regional organisations, economic or functional regional organisations, and multi-functional regional organisations such as the OAU.

The lack of uniform terminology in International Public Administration, which results from the similarities in terminology applied in International Politics, forms an obstacle for any person who wishes to study or communicate in the conceptual field. There are numerous factors that influence the interaction between the field of International Politics and International Public Administration. Scholars of Public Administration and International Politics must come to terms with, or accept or resist these influences. It should be clear to the reader that the two fields together form a highly complex system that does not exist for the sole purpose of advocating their respective viewpoints.

The establishment of international organisations is one of the most important attempts in international public administration to restrict conflict and promote co-operation between states for the purpose of delivering services on an international or regional scale, in other words, to cope with the problems of international and regional co-operation. Co-operation in international organisations is based on an awareness of common interests and agreed-upon values. The reason for the many diverse regional organisations in international public administration is the belief of states that their specific interests will be better served in regional rather than in national, global or universal organisations.

In spite of the number, roles and importance of regional organisations in the international arena, few of them have yet resulted in a greater degree of political integration. The Charter of the OAU contained a clause that ensured the political sovereignty of its members. It is clear that the main function of such organisations is

not to detract from the final political decision-making authority (sovereignty) of states, but to unite or integrate states on the basis of one or more shared functions or needs (such as economic co-operation and security).

Enough evidence was found in the literature to hypothesise that, irrespective of which continent the study is focused on, regional integration projects are under way at all degrees of progress, with the EU undoubtedly the world's most successful regional integration project to date. Promoting regional political co-operation and economic interdependence is considered to be important, as these two issues promote an atmosphere of regional stability.

Africa is playing its part in this movement by establishing its own regional integration project, a political union known as the new AU, which seems to be more ambitious as its European counterpart, the EU. Born out of the Sirte Declaration of September 1999, the AU aims to establish itself as a comprehensive, multi-functional organisation (see Chapter Two, section 2.8.4, and Three, section 3.11) with solid institutions, different from its predecessor, the OAU. It aims to be more proactive in the economic and social development of Africa, allowing it to ascend from the position of its predecessor, whose primary achievement was the liberation of African states from their colonial powers (see Chapter Four, section 4.2).

7.4 Objective three: Provide a historical overview of the origins and founding of the OAU

In Chapter One (see section 1.4), the question, “What was the influence of Africa's political history on the role of the OAU as an IGO...?”, was posed as part of the problem that had to be addressed. This objective set out to clarify the origins of the OAU, which were closely linked to its history, in order to establish a clear and meaningful basis for the interpretation and utilisation of the OAU's role in regional co-operation in the context of this thesis. In this regard, the historical evolution of the OAU provided greater clarity on the position and potential of regional co-operation within Africa. Chapter Four (section 4.2) explored the ideological underpinnings of the origins and development of the OAU. Attention was paid to the primary causes of Pan-Africanism as a motivating factor towards the eventual creation of the OAU,

followed by the growth of Pan-Africanism that eventually culminated into the founding of the OAU.

The historical preamble to Pan-Africanism and its development to maturity within the OAU clearly illuminated the fact that the most important motivators for regional integration were present in the African region (see sections 3.2, 3.5 and 4.3). Two important aspects followed from here. In the first place, the OAU had to manipulate the international regions for the benefit of Africa and, at the same time, protect the continent from external manipulation. In the second place, the OAU had to try to promote unity and peace among African member states. The most important characteristics of regional organisations were also observed in the OAU. It is therefore not strange that, despite efforts to deny this, the OAU essentially represented in theory, both functionally and organisationally, a combined blueprint of the Charter and structure of the UN and the OAS, while the AU represents a blueprint of the EU.

Sufficient evidence was found that the external Western world was accordingly identified in OAU ranks as the external colonial exploiter (and enemy), which over time had to be extorted in any way possible to compensate for having exploited and manipulated African nations for years. It was also clear that, as the liberation campaign of the OAU on behalf of the colonial regions made progress, South Africa and its apartheid policy were identified more and more as the last bastion of colonial domination, as well as being labelled as the primary suppressor of human rights in the international political arena. Accordingly, it was used as an emotional springboard for personal gain.

In this context, it can be understood why the OAU slavishly followed the organisational pattern and regulations for action, of the UN in the form of the OAU Charter and the accompanying structures and institutions. The example of especially the OAS was followed because of the similarly unique situations and experiences with regard to colonial domination. The forerunners (and later the founders) of the OAU realised that they had an important presence as the so-called African group in the UN and that the UN as a public forum for their interests had particular value. They would have preferred to strengthen their position there.

The material gain that African states attained from this naturally gave rise to the later exception of Zionism as being similar to apartheid, especially since the financial assistance mechanism under the flag of the Arab League was put at their disposal.

It was clear that the notion of Pan-Africanism was promoted through the establishment of the OAU to emphasise the commonality among African peoples. It was also clear that it formed a closer sense of identity and solidarity among the African states.

However, all the organisational instruments that were created could not save the OAU from the division in its own ranks. This emphasised the role that the OAU should have played as peacemaker and as the initiator of political and economic integration in Africa. Therefore, it was important for the author that the success of the OAU should be evaluated, in order to gain a better understanding of the value of its role in the region, as well as the value of regional co-operation or the lack of it in Africa.

7.5 Objective four: Examine the nature of the OAU and provide a structural-functional analysis of its role

It was an objective of the OAU to accelerate the achievement of the social-economic independence of African states that were still under some form of external rule. It was also an objective to establish a forum for African unity in order to maintain peace and order within the African continent.

It was clear from the above objective (see Chapter Four, section 4.3), that from 1959-1963, 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 that advocated immediate political union of African states, and on the other side, 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, the establishment of the OAU evolved as a compromise solution to the ideological perspectives (see Chapter Four, section 4.4) and divisions that characterised the

relationship between African states with the aim of translating the ideals and hopes of member states into a unified goal. A collective desire for a regional IGO became exceedingly paramount at the time. In Chapter Five, the goals and principles of the Charter of the OAU were described in order to investigate the various functions, institutions, commissions and principles of the organisation. The description formed the basis of determining whether the OAU had fulfilled its mandate in order to achieve regional co-operation and stability.

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 the 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*:

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

To achieve this objective, a structural-functional approach was followed in order to provide a framework for the functioning of the OAU. Chapter Five (see section 5.2) 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 states of the OAU, its functional relationship with the UN, and the relationship of the OAU with the Un-Aligned Movement were also provided.

As illustrated and analysed in Chapter Five (see section 5.4), at the head of the organisational structure of the OAU was the Assembly of Heads of State and Government. This institution met annually and, during these meetings, the policy of the OAU was defined and co-ordinated. The agenda for these meetings was set by the Council of Ministers. This Council met twice a year in order to supervise the general work of the OAU. The Council was also called into emergency session when crises demanded this. The Council was responsible for the implementation of the decisions of the Assembly of Heads of State and Government.

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

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

7.6 Objective five: Examine and evaluate the role of the OAU as an IGO in regional co-operation and stability until the establishment of the AU

This objective focused on the role of the OAU as a multi-functional regional organisation, in regional co-operation. The OAU had survived various crises that threatened its survival until 1999. It had, however, not been as successful as was originally envisioned. It appeared, however, as if its modest political, economic and social success was sufficient to justify its attempts and to ensure its continued existence, albeit in the form of the AU.

Since independence, the economies of most African states have been dominated by a series of financial crises, and were largely characterised by sluggish performance. A combination of internal and external factors have been responsible for this state of affairs. The former include the pursuit of ill-advised economic policies, lack of financial resources, deficiencies in institutional and physical infrastructures, insufficient managerial and administrative capacity, often leading to rampant corruption, inadequate human resource development, political instability, disparities in urban and rural development aggravated by ecologically unfriendly agricultural policies and exacerbated by a population boom. External factors included adverse terms of trade, a decline in financial flows, a decrease in commodity prices and high debt and debt-servicing obligations. Although the international community attempted to adopt co-ordinated programmes towards Africa aimed at ensuring economic growth, African states came to the conclusion that indigenous solutions were also possible and even preferable. The founding of an African Economic Community under the auspices of the OAU was the most significant development to date in this field (see section 6.5.6).

It should be recalled that economic development was one of the principal concerns of the OAU and hence found expression in the OAU Charter. Article 2(1)(b) proclaims the need of African states to co-ordinate and intensify “... co-operation efforts to achieve a better life for the peoples of Africa”, while Article 20 made provision for specialised commissions to accomplish these functions.

The conclusions made in the following section are linked to the information obtained from the attempt to fulfil the objectives of the study. The analyses were done in the previous chapters, particularly Chapter Six, where the role of the OAU was analysed and interpreted. The results of this interpretation led to the conclusions and proposals in this chapter.

7.7 Objective six: Draw conclusions and evaluate the efficiency and effectiveness of the OAU in promoting economic co-operation, progress, peace and stability in Africa

By the late 1970s and early 1980s, a feeling of despondency over the future of Africa

had already spread across the continent. The Secretary-General of the OAU at the time remarked towards a group of African leaders that the continent was teetering on the brink of a catastrophe. Africa was caught in a spiral of violence and was drowning in a night of bloodshed and death; every smile in Africa had disappeared. The World Bank confirmed this by saying that, despite continuous new investments valued at billions of American dollars, the continent of Africa was confronted by an ever increasing crisis: “The picture that emerges is almost a nightmare” (Meredith 1984:377).

Comments made by M’buyinga showed that significant uncertainty existed about the future of Africa, especially among African academics: “Africa has entered a new phase in its history. From now on, there are only two alternatives: Neo-Colonialism or Socialism” (M’buyinga 1982:5).

It was quite clear that something constructive had to be done soon to avert the impending catastrophe. The attempt by the OAU to establish a new African economic order with the AEC in 1991 was treated with justified scepticism in Western circles (Cf. Africa News 24 June 1991:10).

With reference to the same event, President Yoweri Museveni of Uganda remarked that, while the Western world is continuously modernising, Africa remained a museum piece. He argued that the foundation for this state of affairs could be found in the historical exploitation of African states by former colonial authorities. Because of this, Africa demanded that the West and the World Bank, in particular, should write off the continent’s external debts (Africa News 24 June 1991:10). This was met with the following reaction by the president of the World Bank, Mr Barber Conable: “Such an issue may and will never arise. African states have the moral obligation to pay their debts” (African Research Bulletin 1-30 June 1991:10152-10154).

The above situation was thus one of the challenges that the OAU had to accept in the future, despite an African record that showed the inability and unwillingness of OAU member states to apply internal economic discipline and to fulfil their international obligations.

By the 1990s, apartheid in South Africa and colonialism in Southern Africa – the incentives, binding factors and common external enemies of the OAU for many years – were dead. These life-giving impulses of the OAU are now something of the past. More than a decade ago, the former president of the ANC and of South Africa, president Mandela, said the following about the political changes in South Africa at the time during the OAU Summit in Arusha (28 April 1992): “Your excellencies, the African continent has reached the end of the last chapter of the long nightmare of apartheid and colonialism” (SWB/ME 1368 30 April 1992:B/2).

It was no wonder that great uncertainty developed after the meeting over the future of the OAU’s Liberation Committee. The future role of the OAU as the driver of regional co-operation in Africa could also not change fundamentally. In this regard, Foltz remarked: “Nothing is about to happen that will suddenly transform the OAU into a dynamic force for peace within the African continent. There are no basis on which forceful executive agencies are likely to be constructed” (Foltz in Deng and Zartman 1991:365).

The perspective provided above on the future of the OAU can also serve as a historical mirror image of the organisation. The efforts made by the OAU to attain economic co-operation in Africa were and remain a mirage. The OAU was also not and could not be an effective and efficient peacemaker in Africa.

An attempt has also been made in this study to analyse, in an international political context, as well as in the context of international public administration (see sections 2.3, 2.4, 2.5 and 2.6) not only the OAU, but also the various areas in which it played a part. It has become apparent that the OAU was only as good as the sum of its parts. This follows from the inherent structure of the OAU itself. Its founding fathers, jealous of their sovereign rights, ensured that it would be an organisation with few powers. Alternatively, it attempted to operate by consensus and relied on exhortations to member states to achieve the desired end results. The OAU was therefore dependent on the political willingness of its members; in this lay its main weakness. Yet, it was apparent that member states wished it to remain so.

Nevertheless, the OAU did not manage to escape controversy because of this. The

decision to admit the SADR brought the OAU to the brink of destruction, but it was argued by the OAU that this decision might have been legally sound. In addition, the OAU's decision appeared to have been prompted by Morocco's intransigence and unwillingness to co-operate with the OAU's attempts at finding a peaceful solution. The OAU survived Morocco's withdrawal and the ensuing crisis, and the SADR's membership became a *fait accompli*.

The OAU also overcame the crisis posed by Chad. The fact that Chad's government now appears to be well established removed the problem of official representation at OAU meetings. The efforts of the OAU at settling the Aouzou Strip Dispute appeared encouraging but Libya's idiosyncratic behaviour during the establishment of the AU (see section 6.7) still leaves room for some unpleasant surprises.

Since the Assembly of Heads of State and Government (see Chapter Five, section 5.5.1) was the highest decision-making institution in the OAU, it is difficult to see such a cumbersome machinery acting on African crises with the requisite cohesiveness, the needed expedition, and the necessary submission to sanctions in case of disregard of whichever decision is taken. Simply put, the OAU Assembly of Heads of State and Government could not be equated to the UN Security Council. This may explain why the OAU had no real role in the crises of Somalia, Liberia, Mozambique, Angola, the Sahara, Chad, Rwanda, and the like. The OAU peacekeeping role in Chad was a textbook lesson on how regional organisations should not undertake missions of such a complex nature. The disastrous mission lacked the basic elements by the host environment, and financial and logistical stability. The opinion is put forward here that this type of failure is more evident in an IGO that has its focus on the political sphere of co-operation, which is situated in the sphere of international politics. IGOs well established in the sphere of international public administration, such as the UN and the EU that, as institutions, function mostly through the application of co-operation in the functional areas through well established and skilled secretariats to implement the policy directives of the politicians, seem to be more effective and efficient.

There is also the broad range of OAU deficiencies in the critical areas of mediation, conciliation, and arbitration. The OAU Commission charged with these functions (see

Chapter Five, section 5.5.4) was moribund, and Africa's dependency on informal "African solutions" cannot fill in such institutional gaps. This is especially critical for two reasons: Africa, in the post-Cold War period, cannot escape the effects of the global hurricane of ethnic and national strife within national borders; and the UN Secretary-General's offer of partnership between the UN and regional organisations seems to focus on peacekeeping as a task of the UN, and peacemaking as requiring local diplomacy for regional organisations, such as the OAU. The UN's offer can be seen as an indication that the AU of the future should redesign its political focus to the functional areas of co-operation that lie in the field of international public administration in order to fulfil its mandate to strengthen democratic institutions aimed at administering and uplifting services such as agriculture, health, education, and development to combat poverty.

The OAU had achieved great success in drafting a convention for the protection of refugees. Sadly, legal machinery did not match practical realities and the human tragedy today appears to be worse than ever. While much remains to be done in the legal sphere, such as incorporating the Refugee Convention into national law, the fact remains that the biggest problems in dealing with the situation continue to be the lack of resources and an adequate infrastructure. To this end, the OAU and the UN sponsored a number of conferences to accentuate the alleged principle of "burden-sharing". Much, of course, remains to be done and the root causes must be addressed. This not only include the numerous civil wars throughout Africa, but also the ecological disasters that have hit certain regions of Africa in recent years. This latter problem is now one that concerns the whole international community.

The OAU also achieved considerable success with the coming into force of the Banjul Charter on Human and Peoples' Rights. The excesses that were perpetrated in the past, and which sadly have not been completely eradicated, made the adoption of such an instrument imperative. In Africa, neither the OAU nor the African political experience provided any flexibility with regard to the full application of domestic jurisdiction within sovereign frontiers. According to Rodley (in El-Ayouty 1994:187) of Amnesty International the winds of change are blowing in a different direction, experientially and legally. After canvassing a number of International Court of Justice cases, he reached the following conclusion: "From this it emerges that the Court has

unambiguously accepted that the obligation to respect fundamental human rights is an obligation found in general international law” (Rodley in El-Ayouty 1994:187). It is still too early to tell how the rights will be protected in practice by the AU and by the member states themselves, although it is encouraging to see that South Africa had, in fact, taken steps in 1994 to guarantee the rights enshrined in the Banjul Charter in the country’s Constitution.

In principle, the Constitutive Act of the AU (see Appendix 6) seems sound enough to fulfil its objectives, but whether it will function in practice remains to be seen and much will depend on the various protocols forthcoming and the creativity of the Court of Justice. Certainly, the Protocol on the jurisdiction of the Court is a priority.

Unlike the OAU Charter, the AU founding principles include “respect for democratic principles, human rights, the rule of law and good governance”. Where the OAU became an elite club of leaders largely cut off from their people, the AU principles include a commitment to “participation of the African people in the activities of the union”. To this end, the AU will include two important-sounding democratic and legal institutions, a Pan-African Parliament and a Court of Justice. But it is far from clear yet whether they will contribute to democracy and the observance of the rule of law in practice (see Appendix 6).

No protocol has yet been drafted to define the functions and jurisdiction of the proposed Court of Justice, though it is envisaged that it will adjudicate on human rights questions, among others. A protocol has been drafted to define the composition and functioning of the Pan-African Parliament. The protocol rather ambitiously envisages it evolving into “an institution with full legislative powers, whose members are elected by universal suffrage”. In the meantime, though, it will have advisory and consultative powers only. Its five members per country will be chosen “to reflect the diversity of political opinions in each national parliament or other deliberative organ”.

The AU was inspired and is loosely modelled on the European Union. But whereas the credibility and therefore efficiency and effectiveness of the EU depend ultimately on the fact that it permits only really democratic countries to be members, there is no such assurance that the AU will do the same. But it might, and it could.

Even the OAU was heading in this direction. At its 1999 summit, it made a historic decision to suspend governments that came to power through military coups. The policy was applied tentatively, however, and certain military dictatorships that are more powerful than those that were suspended, like Libya, were overlooked. Several other, ostensibly democratic countries – like Zimbabwe and Zambia – are in fact subverting democracy through undemocratic practices such as intimidating opponents. Will the AU be able to deal with them to bring its practices and its membership in line with its higher principles?

The principles (g) and (J) causes ambiguity because it can be interpreted in two ways. Principle (g), for example, repeats the principle of the OAU Charter that the organisation held most dear: “non-interference by any member state in the internal affairs of another”. Principle (J) determines “the right of member states to request intervention from the Union in order to restore peace and security” (see Appendix 6). But, significantly, it is no longer absolute. For it is followed immediately in the list of principles by (h): “the right of the union to intervene in a member state pursuant to a decision of the assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity”. In other words, though the AU has reinforced the principle of member states not interfering in one another’s affairs, it has reserved the right of the union itself to do so collectively, though only under prescribed circumstances.

But those circumstances are defined vaguely enough that, if the AU leaders chose to do so, they could pursue a policy of active intervention in the internal affairs of member countries to enforce the organisation’s principles of democracy, human rights and the rule of law.

The debt crisis still poses a real threat to many African states, and with it to the international banking system. The OAU rejected the drastic and negative step of reneging on debt. Alternatively, with the co-operation of the UN, it put forward a number of eminently sensible proposals designed to lighten the debt burden while ensuring that the capital will be repaid. It is encouraging to see that the international community has realised the seriousness of the situation and is taking steps to avert

disaster. While these measures may not go as far as those advocated by the OAU and the UN, they do acknowledge the problem and it is to be hoped that both lenders and borrowers can reach a mutually acceptable solution. The will appears to exist.

7.8 Hypothetical synopsis

Based on the problem statement, the study followed the following hypothetical points of departure, as set out in Chapter One:

- (1) The OAU has succeeded in achieving continental identity and solidarity free from colonial rule in order for African states to rule themselves.
- (2) The OAU has failed as the chosen regional IGO to make a substantial contribution to the regional political stability, economic growth and social reconstruction of Africa.
- (3) The continued progress of the AU as a regional grouping is closely linked to the leadership and economic input of South Africa in order to make a substantial contribution to the economic and social reconstruction of Africa.

The principal task of the OAU was to advance the development of African states in a variety of fields. It endeavoured to do this by promoting co-operation and urging collaboration among its members. The OAU was established in a sea of idealism and unrealistically inflated expectations of its envisaged achievements. It cannot be denied that the OAU was disappointing, often reflecting inter-state divisions and demonstrating impotence in the face of internal repression and human rights abuses.

The OAU was also committed to the resolution of disputes in order to create stability. The OAU achieved considerable success in certain areas, such as in achieving a closer sense of identity among African states, in particular between the Arab North and sub-Saharan Africa. It has also made a contribution to the struggle against apartheid and continuing progress in the fields of human rights. However, as may be apparent, its degree of success varied and, in many areas, was modest. The OAU also failed as the chosen initiator of regional political, economic and social co-operation in Africa.

The OAU failed to promote stability in Africa. The OAU operated by consensus, but progress was often handicapped by its lack of mandatory powers. In general, the decisions of the Assembly of Heads of State and Government were only recommendatory in nature. No institution having disciplinary powers existed and there was little that the OAU could do in the form of punishment for errant members other than mobilise public opinion. Its slavish adherence to the principle of domestic jurisdiction, generated a negative image that is only now being modestly addressed by the newly formed AU.

In conclusion, it can be stated that the first two hypothetical points of departure that were formulated for this study, were proven to be correct in practice. The third hypothetical point of departure seems to be unrealistic and could not be substantiated through the literature consulted.

That the continued progress of the AU as a solution for a new approach to Africa's economic and social reconstruction is closely linked to the leadership and economic input of South Africa seems to be overoptimistic and has been proven to be impractical and highly speculative. South Africa simply does not possess the reserves or the infrastructure to guide a languishing Africa into the right direction. The foreign debt accumulated in Africa, with continued demands directed at the West for its waiver, is proof of the powerlessness of the Western world to collect the outstanding debts. South Africa cannot keep its head above water as a result of the economic impact of its own restructuring programmes. Even more so, the country cannot afford to pour an endless stream of billions of rands into the bottomless economic pit of Africa. The sooner politicians realise the truth, the quicker South Africa will be able to pay more attention to the country's own pressing internal needs, and thus again get in touch with its own local communities and their immeasurable needs.

If the AU leaders choose to pursue a policy of active intervention in the internal affairs of member states to enforce the organisation's principles of democracy, human rights and the rule of law, the organisation will acquire the international credibility and clout it needs to become what it has to become. If it is to save Africa, and not just be a voice crying in the wilderness like the OAU, it has to become a credible, representative institution for the continent with whom the world can do business. In

the end it will not be the input of South Africa or the strength of will of leaders like President Thabo Mbeki that will decide the AU's fate. The OAU did not cultivate a diversity of leadership skills and depended mainly on the personalities of a few individuals. The AU must not make the same mistake.

7.9 Concluding proposals

- The success of the AU will depend, to a large measure, on the political attitude and political will of the member states. They will have to set aside their differences, suppress their national interests, and particularly be willing to surrender some control over their financial and economic affairs, and co-operate through the Assembly and Council to attain the AU's objectives.
- Enmities and rivalries will have to be set aside. The dualism that existed in the OAU resulted in a tension between the continentalists (Pan-Africanists) and the nationalists (state builders). Eventually, the nationalists won and so the main emphasis was on the nation and state-building.
- Legal problems should not be underestimated. The diversity of legal systems and the different national commercial and company law codes will not facilitate co-operation and harmonisation. Moreover, it would seem that many such laws, including laws and rule application in the domain of internal conflicts, are so antiquated that they will be unable to meet the challenges ahead. Law reform, usually a painfully slow process, on a vast scale appears necessary as a conditional precedent for the success of the AU. Nevertheless, these difficulties should not be exaggerated since the member states of the EU have faced similar hurdles which have been overcome and the organisation continues to evolve towards a longer term project.
- The AU Parliament could provide an important platform for the long-

suffering and often stifled opposition parties of Africa to voice their concerns and protests about their governments. But much will depend on how the leaders of the AU interpret their rules of admission. Who will select each country's MPs? And will presumably exiled oppositions in countries that have no "deliberative institution" be given seats?

- Here and elsewhere, the success or failure of the AU will depend not so much on the new democratic principles on which it is founded or the new institutions it intends creating, but on the spirit in which these principles and institutions are interpreted and put into practice. The OAU never created institutional capacity. It was more of a diplomatic coalition and not a highly institutional IGO in the context of international public administration.
- Essentially, it will depend on whether the good governments in Africa, most notably South Africa's, can muster the mettle and the support to enforce the AU's principles actively – by intervening in the internal affairs of recalcitrants and even by denying membership or participation to consistent violators of those principles.
- The most important aspect of an IGO in international public administration is its secretariat. In fact, the essential difference between an IGO and other forms of international contact and action, such as an international conference, is the existence of a permanent secretariat. The transformation of the OAU to the AU from what already exists to what should ideally be its future must begin with revamping and strengthening the function of the Secretariat. According to the AU's Constitutive Act Article 20 (see Appendix 6), the Commission of the Union shall be the Secretariat of the Union. The previous role of the Secretary-General of the OAU is replaced with a Chairman of the Commission. The Assembly shall determine the structure, functions and regulations of the said institutions. This appears to be a minor role

envisaged for the implementation institution of an IGO in international public administration.

- The AU can, without too much cost, enter into co-operative arrangements with the UN, other regional organisations and training institutions to enhance the skills of its junior staff in the complex process of international public administration. Appointments, promotions, and other rewards should be contingent upon merit and achievement. An IGO cannot run its daily business without trained personnel who are capable of assisting and learning from their superiors about the effective implementation of a host of policy directives. This is the primary way of building secretarial organisations from the ground up.
- Further from this, the AU should extend its secretariat so that it resembles an international public administration (see Chapter Two and Three. The appointment of career public officials can serve to enhance the Union's role within Africa. Such career officials will already be experienced in translating policies into practice, a fact that will ensure that the policy decisions of the AU are implemented in an efficient and effective manner. This will help to transform the AU into the kind of successful regional organisation it clearly wishes to be.
- On the inter-organisational level, the AU of the future needs to interact operationally, not only representationally and ceremonially, with other organisations whose membership is, in whole or in part, African. These include sub-regional African organisations, the League of Arab States, and the Conference of the Islamic Organisation.
- A new partnership between the UN and the AU may prove to be the beginning of relational adjustments. With the OAU, these relationships were not effective as they were not symmetrical. The UN to the OAU, was, on the whole, a donor organisation, with the OAU as the

recipient.

- The AU of the future ought to become known to the African student and to ordinary Africans in general. It could not hope to create or inculcate an African consensus for as long as it continues to be a diplomatic elitist organisation whose flag and emblem may be known only in a few African cities where it maintains a regional office. It needs information centres, akin to the UN information centres that now exist in more than sixty capitals and cover more than this number of countries.

7.10 Concluding remarks

In conclusion, it is believed that the study has achieved what it set out to do, as described in Chapter One, but has also served as an effort to expand the existing literature within the context of International Public Administration. It is also hoped that the thesis is a fairly accurate exposition of some of the most important challenges that the AU has to face in regional governance in the years to come.

It is important that the observations made in this thesis justify a need for more research on the salient features of International Public Administration in both effective management and policy implementation in regional IGOs, and in a practical sense to the OAU.

The younger generation claims most of the annual budget for education and training and will soon begin to look for employment in the underdeveloped economic structures of Africa. The latest political developments in the EU where eight Eastern European countries recently joined the Union, as well as the negative economic growth experienced by most countries in the Western world, have put a damper on any further economic aid to Africa.

There is also increasingly a perception in the West that any economic assistance to Africa creates more problems than it solves. As a consequence, Africa increasingly has to utilise institutions such as the World Bank and the IMF. The failure to honour

external debt repayments has resulted in the IMF setting, among others, strict repayment provisions and schedules for any financial aid to Africa. This is usually linked to demands for fundamental changes to the economic policy of such states, for example, privatisation, normally an unpopular measure when attempting to apply it, which could give rise to internal unrest.

The OAU, was not able to stop wars between its member states, although this was outlined in its own Charter as an aim, nor was it able to prevent genocidal violence such as that which occurred in Rwanda in 1994. Both issues are politically very important and very controversial. Regional security was a priority for the success of the EU with universal consensus that conflict between states is to the detriment of regional co-operation, stability and integration – this may be a lesson that needs to be learnt before the AU can become an effective IGO.

Can the AU handle the future if the OAU could not do it over a period of 40 years? If so, how? The AU Treaty is an ambitious, perhaps over-ambitious, project that reflects the global trend towards regional economic integration. In addition, it is an indication of the readiness of African states to confront and solve their economic problems through indigenous solutions and turn themselves away from a reliance on aid and economic policies foisted upon them by external institutions and actors. However, there cannot be any doubt that this will be a long-term proposition as many obstacles still need to be overcome and even the lengthy period set by the AEC Treaty may come to be seen as unduly optimistic.

Few would quibble that the OAU outlived its use. Greatly encumbered by the only principle of its charter that its leaders really respected – non-interference in the internal affairs of member states – it did very little to further the goals of greater peace, unity and prosperity on the continent. About the only goal all could agree on was decolonisation, since the enemy was identifiably alien in this case. But on virtually every matter involving criticism of a fellow African, the OAU closed ranks and did nothing. The OAU failed to ratify more than 13 of the 21 treaties and conventions it wrote, let alone enforce them.

The AU will continue to have an important role to play and it is to be hoped that its

member states will allow it to do so to the full. There are grounds for believing that economic performance may be improving. These are achievements that must be encouraged. The establishment of mechanisms for economic co-operation, human rights, democratically elected governments and for conflict resolution and stability, long overdue, is a welcome development. Although too early to assess its contribution to the peaceful settlement of disputes in Africa, grounds for optimism exist. If successful, socio-economic development may follow. Success in this field is imperative, and the creation of an Africa common market seems a salient step in this direction.

The future success of the AU will largely depend on the ability to learn from the failures of the OAU, one of which was the inability of the OAU to foster peace and co-operation among its own membership. Ordinary Africans and African leaders of goodwill are hoping that the AU can do better than the OAU. Certainly, its aims are worthier. On paper, it is a fine institution.

7.11 Conclusion

This concluding chapter has focused on evaluating the role of the OAU and making conclusions and appropriate proposals for the elimination of the deficiencies that were identified through an analysis of the objectives of the study and subsequently the findings obtained from primary and secondary research literature. It is believed that through this research a contribution has been made to both the theory and practice of International Public Administration, which can possibly be used as point of departure for further research directed at improving the functioning of the AU as a regional IGO. In an ever-changing world, however, no research can ever claim to be the last word on a specific topic. In this regard, areas for further research have been identified and it is hoped that other students will take these up in the future.

This thesis attempted to make a contribution, in general, to the understanding of the role of the former OAU. The thesis is completed in the trust that the findings recorded here and the recommendations made will be useful.

