SUCCESSES AND FAILURES OF THE ORGANISATION OF AFRICAN UNITY: LESSONS FOR THE FUTURE OF THE AFRICAN UNION

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ABSTRACT

After more than a decade of democracy in South Africa, the eyes of the international world remain on South Africa as one of the countries on the continent that can assist in ensuring and maintaining peace, stability and greater prosperity. However, it is impossible to consider South Africa's potential role in this regard without considering the larger context of organised regionalism within which it has to operate. This article therefore examines the role of the Organisation of African Unity (OAU), its successes and failures, and its evolution into the recently founded African Union. It pays attention to theories underlying the founding of International Governmental Organisations, before briefly exploring the history of the OAU. An evaluation is provided of the role of the OAU, before pointing to some lessons learned that could be of significance to the (African Union) AU in the future.

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INTRODUCTION

The former Organisation of African Unity (OAU) had a clear mandate, which was detailed in its Charter and the accompanying structures and mechanisms. As an International Governmental Organisation (IGO), it formed part of an increasing drive among countries throughout the world to strengthen their positions by combining energies into regional organisations that could act on their behalf on an international platform. But despite some lofty ideals, the OAU saw the end of its usefulness by the early years of the 1990s. The decision to evolve this organisation into the African

Union (AU) was one about which there was little choice. The OAU provided some valuable potential lessons to inform the future of the AU. This article is based on the findings of an extensive study of the OAU, its history, functions, structures, successes and failures. The article focuses on the theories underlying the founding of IGOs, before briefly exploring the history of the OAU. An evaluation is provided of the role of the OAU, before pointing to some lessons learned that could be of significance to the AU in the future.

ROLE OF INTERNATIONAL GOVERNMENTAL ORGANISATIONS

To understand the establishment and development of the OAU, it is important to consider the specific foundations of and reasons for the establishment of an IGO. Such reasons include (see Schalk 2005:257-Chapter 2):
- the exploitation of technological progress for commercial purposes;
- the pursuit of peace; and
- the promotion of human rights and material welfare.

The objectives in establishing IGOs are closely linked to the aims of bringing about the improved functioning of the interstate system, as well as to facilitate cooperation between states without affecting their sovereignty.

In studying the OAU, it is clear that regional confederalism was manifested in its establishment. The aim of confederalism is cooperation between sovereign states without relinquishing sovereignty. Decisions in such a structure are not enforceable. Confederalism should be seen as a stage in the greater process of the integration of states. The locus for the establishment of the OAU shows signs of confederalism, as member states did not relinquish their independence, despite their need for cooperation.

Federalism entails cooperation among states, with the retention of sovereignty, which is usually guaranteed in a founding document. In their own spheres, both a federal government and the constituent federation governments are supreme. Confederations and federations are all created voluntarily. The aim of the OAU was to establish cooperation, but not strictly in terms of the characteristics of these two constructs. By observing the functions and ambitions of both the AU and the European Union (EU), many similarities are notable. In practice, the EU has been successful in creating a unique regional federal integration project that is not a federal unified European state, but that has allowed the

creation of institutions that promote the *pooling* of national sovereignty for the advantage of the European continent.

With regard to functionalism, two phases are distinguishable in its development, namely early functionalism and neo-functionalism (Bennett 1988:13). The early functionalists saw the establishment of functional IGOs as a way of achieving and facilitating international cooperation 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 stresses international cooperation in demarcated fields. The ultimate purpose is that further integration should spontaneously follow sectoral integration. However, the OAU's policy directives on politically important matters were never directed towards sectoral integration and implementation. In turn, the theory of public goods and the establishment of institutions based on its principles are aimed at obtaining benefits for a specific group. It is relevant to the OAU as it assists in explaining the establishment and functioning of IGOs.

The classification of IGOs remains problematic because it requires, among others, an investigation of the similarities and differences among the large numbers of institutions encountered in the international community. For this reason, there is still no single, universally accepted classification of IGOs.

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 transnational nature of economic issues are particularly noticeable currently. It can thus be expected that greater interdependence will also lead to improved cooperation between states. Regional organisations such as the OAU – and subsequently the AU – are logical consequences of this interdependence.

The establishment of international organisations is one of the most important attempts in international public administration to restrict conflict and promote cooperation among states for the purpose of delivering services on an international or regional scale. Cooperation in international organisations is based on an awareness of common interests and agreed-upon values. The reason for the many regional organisations is the belief of states that their specific interests will be better served in regional rather than in national, global or universal organisations (see Bennett 1988: 1991).

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 several references to the political sovereignty of its members (Preamble; articles II and III). 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 cooperation and security) (see Schalk 2005: chapter 3).

Irrespective of continent, 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 cooperation and economic interdependence

is considered to be important, as these two issues promote an atmosphere of regional stability.

Africa in the AU is also playing its part in this movement by establishing its own regional integration project, which seems to be more ambitious than its European counterpart, the EU. Born out of the Sirte Declaration of September 1999, the AU aims to establish itself as a comprehensive, multifunctional organisation 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.

ORIGINS AND FOUNDING OF THE ORGANISATION OF AFRICAN UNITY

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. Two important aspects followed from here. In the first place, the OAU had to manipulate the international community for the benefit of Africa and, at the same time, protect the continent from external manipulation. In the second place, the OAU had 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 represented in theory, both functionally and organisationally, a combined blueprint of the Charter and structure of the United Nations (UN) and the Organization of American States (OAS), while the AU represents a blueprint of the EU (Schalk 2005:263).

The Western world was identified in OAU ranks as the external colonial exploiter (and enemy), which had to be extorted in any way possible to compensate for exploiting and manipulating African nations for years (Schalk 2005:148). As the liberation campaign of the OAU on behalf of the colonial regions progressed, South Africa and its apartheid policy were increasingly identified 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, the South African situation was used as an emotional springboard for personal gain.

Within this context, it is understandable why the OAU followed the organisational pattern and regulations for action of the UN in the form of the OAU Charter and the accompanying structures and institutions. Furthermore, the example of the OAS in particular was followed because of its experiences with colonial domination. The forerunners (and later founders) of the OAU realised that they had an important presence as the so-called African group in the UN and that the UN had particular value as a public forum for their interests. They would have preferred to strengthen their position there (see, for example, Cervenka 1977:30).

The notion of Pan-Africanism was actively promoted through the establishment of the OAU to emphasise commonality among African people. This specifically formed a closer

sense of identity and solidarity among the African states. However, the organisational instruments that were created with these high ideals in mind could not save the OAU from the division in its own ranks. It only served to emphasise the role that the OAU should have played as peacemaker and as initiator of political and economic integration in Africa. It is thus important to provide a brief structural analysis before evaluating the success of the OAU to gain a better understanding of the value of its role in the region, as well as the value of regional cooperation in Africa.

ANALYSIS OF THE STRUCTURE OF THE OAU

It was an objective of the OAU to accelerate the achievement of the socioeconomic 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 on the African continent.

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. The Casablanca group advocated the immediate political union of African states, while the Brazzaville group denigrated impetuous union, preferring instead a loose form of association of independent African states based upon the principles of economic, social, scientific and technical cooperation among member states (see Cervenka 1977). In this context, the establishment of the OAU evolved as a compromise solution to the ideological perspectives 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.

The OAU was established on 25 May 1963 in Addis Ababa, on signature of the OAU Charter by representatives of 32 governments. Its formation 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 to (OAU Charter 1963: article II):
- promote unity and solidarity among African states;
- protect their sovereignty, territorial integrity and independence;
- exterminate all forms of colonialism in Africa;
- coordinate and intensify their cooperation and efforts to improve the standard of living in Africa; and
- promote international cooperation in terms of the principles of the UN Charter and the Universal Declaration of Human Rights.

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 coordinated. The agenda for these meetings was set by the Council of Ministers, which 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 (OAU Charter 1963: articles VIII-XV).

The Organisation had a permanent General Secretariat. At its head was a Secretary-General. The structure further consisted of five functional specialised commissions focused on issues such as economic affairs and defence matters. 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 (OAU Charter 1963: article XIX).

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.

EVALUATION OF THE ROLE OF THE OAU

The OAU had survived various crises that threatened its survival until 1999. It had 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 were dominated by a series of financial crises, and were largely characterised by sluggish performance. A combination of internal and external factors were responsible for this state of affairs. The former included 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 coordinated 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 the Africa Economic Community (AEC) under the auspices of the OAU was the most significant development in this field (Schalk 2005:254).

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) proclaimed 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.

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 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 at the time showed significant uncertainty 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 no longer present. These life-giving impulses of the OAU were now something of the past. More than a decade ago, the former President of the African National Congress (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 cooperation 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 is no basis on which forceful executive agencies are likely to be constructed" (Foltz in Deng & Zartman 1991:365).

The perspective provided above can also serve as a historical mirror image of the OAU. Its efforts to attain economic cooperation in Africa remained a mirage. The OAU was not and could not be an effective and efficient peacemaker in Africa. 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 laid 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 its respect for sovereignty. The decision to admit the Saharawi Arab Democratic Republic (SADR) brought the OAU to the brink of destruction, but it argued 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 cooperate 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 in 1982 (see Keesing's Contemporary Archives 14 May 1987:31487).

Since the Assembly of Heads of State and Government was the highest decision-making institution in the OAU, it is difficult to see such 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 in 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 in the host environment, and financial and logistical stability. It is possible that this type of failure is more evident in an IGO that focuses on the political sphere of cooperation, which is situated in the sphere of international politics. IGOs, well established in the sphere of international public administration, seem to be more effective and efficient. For example, the UN and the EU, as institutions, function mostly through the application of cooperation in functional areas through well established and skilled secretariats that implement the policy directives of politicians.

There is a broad range of OAU deficiencies in the critical areas of mediation, conciliation, and arbitration. The OAU Commission charged with these functions was moribund, and Africa's dependency on informal "African solutions" cannot fill 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 a partnership between the UN and regional organisations seems to focus on peacekeeping as a task of the UN, and peacemaking as requiring local diplomacy by 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 cooperation 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". However, the root causes must still 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 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 seems sound enough to fulfil its objectives, but whether it will function in practice remains to be seen and much will depend on formulating appropriate protocols 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 includes two important democratic and legal institutions, the Pan-African Parliament and a Court of Justice (see Constitutive Act of the African Union 2002). But it is far from clear yet whether they will contribute to democracy and the observance of the rule of law in practice.

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 are chosen "to reflect the diversity of political opinions in each national parliament or other deliberative organ" (see Constitutive Act of the African Union 2002).

The AU was inspired and is loosely modelled on the EU. But whereas the credibility and therefore efficiency and effectiveness of the EU depend ultimately on the fact that it permits only 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 democracy through undemocratic practices such as intimidating opponents – like Zimbabwe and Zambia – are in fact subverting democracy through undemocratic practices. Will the AU be able to deal with them to bring its practices and its membership in line with its higher principles?

Several AU principles cause ambiguity because they can be interpreted in different ways (see Constitutive Act of the African Union 2002). 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". But, significantly, it is no longer absolute. Principle (h), immediately following this one, declares: "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". Although the AU has reinforced the principle of member states not interfering in another's affairs, it has reserved the right of the union itself to do so collectively, though only under prescribed circumstances. But these circumstances are vaguely defined so that, if 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 cooperation 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.

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 cooperation 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 interstate 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 developing a closer sense of identity among African states, in particular between the Arab North and sub-

Saharan Africa. It 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 cooperation 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 recommendations. No institution having disciplinary powers existed and there was little that the OAU could do in the form of punishment for errant members other that 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 AU.

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, impractical and highly speculative. South Africa simply does not possess the reserves or the infrastructure to guide a languishing Africa in 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 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 Rand 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.

LESSONS LEARNED

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 cooperate 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 cooperation and harmonisation. Moreover, many of these 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 as member states of the EU faced similar hurdles that were overcome, allowing it to continue its evolution towards a longer-term project.

The Pan-African 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 without a *deliberative institution* be given seats?

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 to create, 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 effective democratic 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 these principles.

The transformation of the OAU into the AU – from what already exists to what should ideally be its future – must include the revamping and strengthening of its Secretariat. According to the AU's Constitutive Act (Article 20), 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 will determine the structure, functions and regulations of these institutions. This appears to be a minor role envisaged for the institution charged with implementation in comparison with other IGOs in international public administration.

The AU can, without too much cost, enter into cooperative arrangements with the UN, other regional organisations and training institutions to enhance the skills of its 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 secretariats from the ground up.

The AU should also extend its Secretariat so that it resembles an international public administration. The appointment of career public officials can serve to enhance its 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 interorganisational 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 subregional 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 60 capitals and cover more than this number of countries.

CONCLUSION

The OAU was unable to stop wars among 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. Regional security was a priority in the success of the EU with universal consensus that conflict between states is to the detriment of regional cooperation, stability and integration. This may be a lesson that has to be learned before the AU can become an effective and efficient IGO.

Can the AU deal with the future challenges if the OAU could not do so 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.

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 not respond. 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 fully. There are grounds for believing that economic performance may be improving. These are achievements that must be encouraged. The

establishment of mechanisms for economic cooperation, 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 exist for optimism, if successful, socioeconomic development may follow. This is imperative, and the creation of an African common market seems a salient step in the right 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 cooperation 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.

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