

CHARTER OF THE ORGANIZATION OF AFRICAN UNITY AND PROBLEMS OF AFRICAN UNITY

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ABSTRACT African unity is a genuine desire of African peoples on the continent itself and the surrounding islands. It is a spark turned on by Africans in diaspora through Pan-Africanism, in opposition to the denial of self-determination of African peoples by colonialism and imperialism. Traditionally, the Africans were introverted in their political activities while contacts with the outsiders were a secondary variable. With the struggles against subjugation came the perception that the totality of Africa had a common front, hence the desire for unity. However, the ensuing Organization of African Unity formed in 1963 became a leaders-centered community and not a grass-roots organization. The O.A.U. is actually an "Organization of African States" not of "African Unity" according to the Charter prescriptions. This paper thus calls for the need to set the matter straight.

INTRODUCTION

The 1960's were considered as "The Decade of Africa" as a great majority of African countries gained their independence *en masse* thus reversing the political panorama of the African continent to reflect the face of freedom, equality, hope and dignity. The changed circumstances meant that self determination for the African had become a *fait accompli* and the African was now free to determine his own fate, at least politically.

Under colonialism which was established a hundred years ago in the Berlin Conference of 1884/85, Africa was partitioned to the Belgians, British, French, Italians, Germans, Portuguese and to Spanish with Americans having a covert liability in Liberia. Colonialism with its entangling economic imperialism subjugated the African so much that the logical conclusion for African countries would have been total hostility against the West after emerging independent. However, it is an African tradition to let by-gones be by-gones and start international relationships as though nothing had transpired at all. This spirit is reflected also in the fact that although Arabs had enslaved Africans, yet independent African states chose to side with Arab States against Israel in the Mid-East conflict even though Israel had no past history antagonistic to African states. This tradition casts aside the doubt and fear of many Westerners that once Africans gain the reigns of power in South Africa that they would drive out the European element from that country. Not so at all!

Independence is the fulfillment of the yearnings for equality, freedom and justice. But it does not forestall interdependence. Precisely because of this mutual dependence, Africans found their independence to be somewhat of a farce. That is true they had become politically independent, yet economically they could not extricate themselves. That little political independence they had was abound with so many woes that it was almost fallacious to call themselves independent. However, independence had indeed been achieved and acknowledged universally. So the Africans were challenged to find an alternative survival strategy. It did not take them long to realize that in unity lies strength. They launched the move toward African

unity early in the decade. African unity was seemingly achieved in a loose conglomeration under the name of "The Organization of African Unity (O.A.U.)".

In this paper, therefore, we shall examine the Charter of the Organization of African Unity and the emergent problems frustrating African unity. Consequently, as we look at the provisions of the Charter, we shall also make an analysis of relevant problems experienced by the Organization accordingly.

PREAMBLE

The preamble of the Charter of the Organization of African Unity sets out in black and white that it, the Charter itself, is the embodiment and the crux of the ills against African Unity. This is a strong charge to make, but if it has to be made then it must be made. Maybe the framers of the Charter saw it differently. However it is impossible for the African scholar of today not to see it my way.

The problem is that on the basis of the Charter, as set out in the preamble, African Unity was to be a creation from the top rather than a genuine African peoples' aspiration radiated through their genuine and legitimate representatives at the top. "We, the Heads of African and Malagasy States and Governments assembled in the City of Addis Ababa, Ethiopia; ..." This is arrogance per excellence! It launched African Unity on a false start. On the contrary, the more general and almost all-embracing attempt at uniting nations, the United Nations Organization's Charter, recognizes the general will of the people whose states were to form the United Nations.

In its preamble, the United Nations Charter opens with the marvellous words, "*We the peoples of the United Nations determined to save succeeding generations from the scourge of war,...*" (emphasis mine). The difference here is clearly discernible, that while the United Nations Charter makes the subject of the legal arrangement the generality of the world's peoples, the O.A.U. Charter makes the leaders of the respective nations (the Heads of States and Governments) as the bonafide arbiters. The pivotal bases are different here. Consequently, there is an implied neglect of the will of the peoples of Africa in the formation of the O.A.U. Thus interests of the African leaders rather than interests of the peoples of Africa themselves were being advanced by the Charter. That although Article 24(1) of the O.A.U. Charter provides that "This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States *in accordance with their respective constitutional processes,...*" (emphasis mine) still the fact that the guardians were to be the Heads of States and Governments instead of the people themselves meant that the rest of the ratification process was to be routinely so. The preamble of the O.A.U. Charter ends with the words, "Have agreed to the present Charter."

On the other hand the preamble of the United Nations Charter maintained that we the peoples "have resolved to combine our efforts to accomplish these aims. Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations." Here, the will of the generality of world's peoples was taken into account and the representatives assembled in San Francisco who brought about the United Nations Organization acted on behalf of and as representatives of the world's peoples.

We see here, therefore, that since some of the leaders of African nations, had, by the time of the founding of the Organization of African Unity on March 26, 1963, usurped power

through military coups, the generality of the African leaders then were not genuine representatives of African peoples. It may therefore be assumed that this realization was behind the benign neglect of the peoples by the framers of the O.A.U. Charter.

ESTABLISHMENT

Ordinarily, a preamble has no legal effect and its reflections are not components of a binding juridical instrument. The framers of the Charter of the Organization of African Unity were cognizant of this fact and did not hesitate to legitimize their aspirations. As they formally established the Organization, the founding fathers in Article 1(1) said that "The High Contracting Parties do by the present Charter establish an Organization to be known as the Organization of African Unity. (2) The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa."

Here too, the "High Contracting Parties" meant the Heads of States and Governments on continental Africa and Malagasy. The generality of the African peoples and of islands surrounding the continent were not credited with the establishment of the O.A.U. It could be inferred that leaders represent their peoples. But in the case of Africa, then and now, only some of the leaders are genuine representatives of their peoples. Many leaders acceded and succeeded to state power through military take-overs. If their peoples were consulted in referenda about the matter of the overthrowing of legitimately elected representative governments, the chances are that the people might not have approved of the change-over of their governments if such choice were to be made democratically.

Therefore, the establishment of the Organization of African Unity was not an African peoples choice but an African leaders' choice. And, in fact, no African country put the matter of the formation of the O.A.U. to a public vote but through legislature, some which were constituted by military dicta. The point being advanced here is a matter of technicalities but it must still be appreciated.

It might also be argued in defense of the leaders that since colonialism had meant an actual application of the politics of tactical "divide and rule (conquer)" the peoples of the African continent and of the surrounding islands were not inherently imbued with opinions concerning continental African unity as a whole. Rather, they were territorially introverts. This means that African peoples were limited in their horizons and only thought of, say, Algeria, Nigeria, Tanganyika, Seychelles or any of the numerous states in Africa and the surrounding islands.

This argument leads us to a further expansion that before and during colonial occupation of Africa, the question of an all embracing continental African unity was non-existent. The traditional African systems were societies with permeable territorial boundaries that were based on families, clans and tribes with inward looking attitudes. International interaction was of a limited scope. During colonialism, the colonies were linked to the metropolises and, therefore, could not harbor unity of the continent's peoples. African disunity was thus institutionalized and given force by the ruling colonial regimes. Even African infrastructures were geared to the Eurocentric metropolises. As a result even today it is easier to communicate with London or Paris from Africa than between neighboring African countries. And, it used to be that to go from Nairobi, Kenya, to Seychelles just off the Kenyan coast, one had to go to Paris first and then fly back to the isles. It is possible, therefore, in defense of the leaders who founded Africa's O.A.U., to have only looked at this situation and psychologically believed that they were right in taking it upon themselves to found and establish the O.A.U.

Yet, in the disunity that ensued the colonial occupation of the African continent apparent unity was being born. For, the struggles of the colonized peoples to rid themselves of imperialism and colonialism brought about extroverted sentiments. The people were aroused to sense the feelings of other Africans struggling in neighboring and far-away territories. Thus it is safe to say that the liberation of one's country from colonial rule immediately brought about the general feeling that actually one was not free until the other occupied African countries were freed as well.

From this vantage point, we can surmise that it was logical for countries like Ghana and Tanzania, for instance, to write in their constitutions that their independencies were incomplete until all of Africa was free. The radiation of this extroverted spirit led to what was said earlier that independent African countries sided with Arab countries against Israel even though the Arabs had a history of cruel enslavement of the African peoples while Israel had a clean slate relatively speaking. It is in this vein that Africans had sacrificed their meagre resources to help liberation struggles in neighboring or far-away countries.

The extroverted spirit of the African peoples, thus, inclined to awaken Africans' feelings for African unity. They believed that they were all one people who faced a common problem of imperialism and colonialism, and that they could only extricate themselves by uniting and forging a united front. The founding fathers of the Organization of African Unity should have been aware of the awakening of their peoples cry for freedom and unity of the African continent and the surrounding islands. They should have established the O.A.U. from the people's point of view rather than from the vantage point of the Heads of African and Malagasy States and Governments. This way, their actions would have been subject to accountability to the people. As the Charter stands up to now, leaders may not be accountable to the African peoples, rather, merely to themselves and their respective or selfish interests.

PURPOSES

Article 2 of the Charter of the Organization of African Unity gives two points:

1. The Organization shall have the following purposes:
 - (a) To promote the unity and solidarity of the African States;
 - (b) To coordinate and intensify their collaboration and efforts to achieve a better life for the peoples of Africa;
 - (c) To defend their sovereignty, their territorial integrity and independence;
 - (d) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
2. To these ends, the Member States shall coordinate and harmonize their general policies, especially in the following fields:
 - (a) Political and diplomatic cooperation;
 - (b) Economic cooperation, including transport and communications;
 - (c) Educational and Cultural cooperation;
 - (d) Health, sanitation, and nutritional cooperation;
 - (e) Scientific and technical cooperation; and
 - (f) Cooperation for defence and security.

The purposes are lofty and are lopsidedly geared to the paternal guardianship of the leaders of Africa. Therefore, even the stated coordination and harmonization was to be carried out at the level of state-to-state or government-to-government, but not on a people-to-people basis. The leaders thus appear to have hijacked the momentum of peoples' aspirations and

desires for a bonafide and genuine African unity. The leaders' level approach to African unity was a derailment of African unity because interests of leaders are not necessarily the interests of their peoples.

From the point of view of section (b) of paragraph (1) of Article 2, we see that the founding fathers purposed "to achieve a better life for the peoples of Africa". On the face of it, the resolution seems to be well taken. However, analytically, we can see the arrogance of leadership being reflected here as the leaders were to be at the forefront in the coordination of efforts to better the lot of African peoples. Microscopically, this attitude overlooks the ability of the African peoples to better their own life. It calls for Government planning and direction in promoting development.

This author feels that when a Government takes to directing development, the success of that development is limited in scope. When a Government does so, in this author's opinion, it tries to hold the people by their hands as though the people were children unable to cater for themselves. This author therefore, confides in the ability of the people to make it on their own without Governmental intervention except where such intervention is for a true public good. If African peoples were left to themselves to circulate within their countries and across territorial borders for good causes, African development could be enhanced. Governments could, thus, only come in regulating the intercourse and in protecting nationals and bodies engaged in such businesses.

African development is an African problem. The assumption that the African should be held by hand, even when such an attitude is held by the African Governments themselves, is wrong. To try to bring development by regulations except practical regulations intended to make the transaction go smoothly, is to retard the very thing that was meant to be promoted. African Governments should therefore take a new look at their alternative developmental strategies with the view of correcting themselves where such revisions are called for.

PRINCIPLES

The Organization of African Unity has seven principles. In Article 3 of the Charter, the O.A.U. expresses that "The Member States, in pursuit of purposes stated in Article 2, solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all Member States;
2. Non-interference in the internal affairs of States;
3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;
4. Peaceful settlement of disputes by negotiation, mediation, conciliation, or arbitration;
5. Unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other State;
6. Absolute dedication to the total emancipation of the African territories which are still dependent;
7. Affirmation of a policy of non-alignment with regard to all blocs.

As can be seen, the Charter clearly indicates that the Organization of African Unity was not really intended to lead to a United States of Africa. The leaders in the above mentioned Article 3 solemnly affirmed and declared their adherence to the stated principles. There was no flexibility implied here. Consequently African peoples' desire of being a united people possibly under one Government was squashed by Article 3 of the Charter. As one of the African peoples, myself, I have a hunch that the general feeling of us Africans is to realize African unity

and its truth. I believe we would like to see such unity come about as soon as possible. However, the existence of the Organization of African Unity is understandably a stumbling block because its very principles call for the preservation of the status quo. Existing nation-states, according to the Charter, should be preserved intact and Africa is to remain fragmented in accordance to the colonial partition of Africa. So that, when some nations decide to come together as was the case when Tanganyika and Zanzibar formed the United Republic of Tanzania in 1964, they had to do so on their own as the principles of the O.A.U. do not give allowance to such an inter-state marriage. The principles agree with the preamble, "We, the Heads...", as they seek to maintain the "sovereign equality, non-interference, respect for the sovereignty and territorial integrity of each State and for the inalienable rights to independent existence...."

How can one describe such principles other than that the framers of the Charter of the Organization of African Unity had no intention of seeing Africa united. This realization is saddening because the general spirit at the Addis Ababa convention of the African leaders in March, 1963, was one of optimism with a radiant hope for African unity. However, the documented result was a disaster for the very thing they sought to bring about. What, therefore, prevailed, was the leaders' selfish interests for self-preservation, thus derailing African unity.

Vernon McKay (1966: 22) saw the African leaders in a way that probably projects well what the O.A.U. came to stand for. McKay diagnosed that it was "true that many African leaders are not as passionate as their words suggest...."⁽¹⁾ The African passion was also shown by McKay who observed that "In the imagery of President Sekou Toure of Guinea, Africa is like a human body—if one finger is cut, the whole body feels the pain."⁽²⁾ This is exactly how we, the generality of the African peoples, do feel.

Werner J. Feld and Robert S. Jordan (1983: 76–78) seem to give some measure of credit to the founding fathers as really having had the aspiration for bringing about a true African Unity. They state:

The motivational background for the creation of African Unity (OAU) flows from two different concepts:

- 1) a movement for the formation and consolidation of African independent states within existing boundaries; and
- 2) a Pan-African movement hoping to join together all such states or groupings of them as were prepared to join forces for general or particular purposes....

Whatever orientation, there was agreement among African leaders that unity and solidarity would not only assure a common front to safe-guard African interests, but also would give African states a more effective voice in international politics, counter foreign influences in the solution of African problems, curb the danger of fragmentation among African states, and enhance their economic and social development.⁽³⁾

Yet, neither in the principles nor in the above assessment can one find the basis of a genuine African unity. What we see is merely an organization bent on catering to sovereign independent African states and not the possibility of dissolving those states in favour of a unified African nation. Maybe observers and African peoples as a whole were supposed to merely believe that an African unity is being forged by the creation of the O.A.U. But beliefs are usually myths not realities. From the aforementioned principles inscribed in the Charter of the Organization of African Unity we can easily come to the conclusion that African unity is a myth and not a reality. The framers of the O.A.U. Charter thus succeeded in building a castle of African unity in the air while it is wanted right here on earth!

It does appear though that, looking at it in retrospect, the climate in March 1963 during the Addis Ababa Conference challenged the African leaders to come up with something tangible.

OTHER MATTERS

The Charter of the Organization of African Unity has thirty-three Articles all of which are important on their own rights. Article 4 grants entitlement for membership to each independent sovereign African State. However, in practice, the Republic of South Africa is denied the right to membership because of a technicality caused by its "apartheid" policy of separation of people according to the colour of their skin. The action of barring South Africa is in agreement with clause (d) of Article 2 (1) in which the eradication of all forms of colonialism in Africa is stated. Article 3 (6) also strengthens this stand by its "absolute dedication to the total emancipation of the African territories which are still dependent". Thus, although South Africa is acknowledged as an independent country and member of the United Nations, her colonial hold of Namibia and her continued denial to the majority Africans of the right to participate fully in the fate of their country, targets her for liberation activities, and therefore not permitted to join the O.A.U.

The rights and duties for member states are given in Articles 5 through 6. While Article 7 mentions the following principal:

1. The Assembly of Heads of State and Government;
2. The Council of Ministers;
3. The General Secretariat;
4. The Commission of Mediation, Conciliation and Arbitration.

These institutions are elaborated in Articles 8 through 19. Furthermore, the Charter grants to the Assembly of Heads of State and Government the power to establish specialized commissions as the leaders see fit. Article 20 recommends the establishment of the following specialized commissions:

1. Economic and Social Commission;
2. Education and Cultural Commission;
3. Health, Sanitation and Nutrition Commission;
4. Defence Commission;
5. Scientific, Technical and Research Commission.

The composition of the specialized commissions is given in Article 21 and mentions that "the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States," shall compose the commissions involved. The functions of the Commissions are tied to the Charter by Article 22.

The Budget of the Organization of African Unity is the focus of Article 23. The Council of Ministers is to approve the Budget which is prepared by the Administrative Secretary General. Member States are to contribute to the Organization "in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty per cent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly." In actual fact the majority of the Member States owe arrears to the Organization. Some have not paid in over ten years during the twenty years of the life of the Organization. This has to do with political and economic determinants. However, since Article 23 does not reprimand delinquent Members, no pressure has been placed upon them. Here again we see that since the Charter was meant for the good of the leaders, accountability for membership dues is left to the discretion of the leaders rather than being mandatory. Had the Organization had a grass-roots base, non-payment of dues might have been less a norm than is a matter of fact now.

Ratification and signing was treated in Article 24. The Charter entered into force under Article 25, and was registered under Article 26 "with the Secretariat of the United Nations

through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations."

Interpretation of the Charter is provided in Article 27 while adhesion and accession is given in Article 28.

Miscellaneous directives are the subjects of Articles 29 through 31. Then Article 32 which deals with cessation of Membership states this way:

Any State which desires to renounce its membership shall forward a written notification to the Administrative Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

Article 32 became applicable in the 1984-85 year when a founding member state, Morocco, gave such notification of withdrawing from membership of the Organization of African Unity. Morocco's loss of confidence in the Organization was the direct result of her colonialism over Western Sahara or the Saharawi Republic. The country used to be "Spanish Sahara". Spain then partitioned the country to Mauritania and Morocco as she left. Mauritania gave up possession of the southern part of the territory, which immediately was overwhelmed by Morocco. The Saharawis are waging a liberation war and have succeeded in having their country admitted to the Organization of African Unity over Morocco's objections. Morocco's withdrawal from the Organization, places her at a disadvantage among other African States vis-a-vis the Charter. For, the other African country that is not a member of the O.A.U. is South Africa and we know that the O.A.U. liberation efforts are directed at her. Morocco may be placed in the same footing as South Africa. And, furthermore, Morocco is being very careless here because her withdrawal from the O.A.U. leaves her with membership of the Arab League from an African soil. The Africans have not forgotten the pains of enslavement by Arabs, Morocco's hostility opens wounds which were meant to be forgotten. It is in Morocco's interest to remain African otherwise when the South African situation settles down, the northern front may be opened against those countries like Morocco which might try to consider themselves more Arab than African on the African continent. It is dangerous!

Amendment to the Charter is the subject of Article 33 which is the last Article of the O.A.U. Charter. In the light of what I have said about the O.A.U. Charter, this Article becomes significantly important. It states thus:

This Charter may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

Here we see that amendments to the Charter are made difficult. Yet in order for the Organization to truly reflect its name, it has to be amended in content or in changing the name to read something like "The Organization of African States." If the name is to remain as it has been for the last twenty-four years, then amendments to reflect a peoples' base are in order.

The Charter concluded with the assertion that "in faith whereof, we, the Heads of African States and Governments, have signed this Charter," Again the arrogance of leadership is being re-enforced.

OVERVIEW ASSESSMENT

Because African Unity as reflected in the Charter of the O.A.U. represents African leadership and not the interests of the masses, effectiveness of the O.A.U. has been an iffy one.

Leaders come and go, and, some are pushed out dead or alive. Therefore, placing the Organization as the leaders' sole responsibility is a mistake. It is a mistake since each leader has his own personality and his own outlook on various viewpoints. Biases may conflict and so do individual interests. The Moroccan example is a case in point here. The leadership in Morocco has a stand on Morocco's continued occupation of Western Sahara. Its stand is ideological and ideologically did Morocco take the action of pulling out of the O.A.U. which she helped found.

The decision by Morocco to get out of the O.A.U. was not put to a referendum. It was a sinister action of the leadership owing to the fact that the Organization of African Unity is shouldered on "We, the Heads of...States and Governments". The will of the Moroccan people was overlooked and the people were not consulted. The Moroccan people are Africans and would like to see their country remain African. The leadership wants Morocco to be otherwise. Yet the contradiction cannot be compromised since the leadership takes to dictation and the O.A.U. Charter is silent about it and goes on to protect the leadership in the words, "Non-interference in the internal affairs of States" and "Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence," as seen in principles 2 and 3 of the Charter. Yet even using these same principles, Morocco puts herself in dilemma since the Saharawi Republic (Western Sahara) has been accepted as a Member State of the Organization of African Unity, and thus has claims to the same principles. Morocco's stand on the matter does not hold water.

Furthermore, the perception of African leaders on various problems faced in Africa differs. Likewise, the solutions they suggest or pose differ. This is a fundamental question of logic. This is so because when the O.A.U. is looked at from the vantage point of Pan-Africanism from which it was founded, then African unity is a dynamic force for liberation of the colonized African peoples as well as a spearhead for human rights of the African peoples. But on the African scene, these are points of conflict between and among African leaders.

Consequently, many acts of violence against African peoples have been committed by African leaders as was the case in Idi Amin's Uganda, 1971-79. Yet the O.A.U. could not take a stand on the matter. When Idi Amin's troops attacked and overran the Kagera salient in North-Western Tanzania in 1978, the O.A.U. still kept quite. Tanzania was left unto herself to swim or sink in her struggles against the Amin aggression. It took Tanzania six months to triumph over the invading forces and to see to it that the Amin syndrome was no more.

It is easier, therefore, for African unity to be toyed with covertly or overtly by hostile nations outside the continent to render the O.A.U. ineffective. Powers that be can use economic or food aid leverages to manipulate the going-ons of African unity. This is because the O.A.U. is leadership oriented and based. Had it been peoples-oriented and -based, such manipulations would have been difficult of implementation as leaders would have had to consult their peoples first before making any commitments or taking actions. To get the will of the people would have required popular participation using such methods as the referendum or a legislature that is based on people. Such an African continental legislative body is not contained in the O.A.U. Charter and therefore non-existent at the moment.

CONCLUSION

In conclusion, I would like to stress the fact that this paper deals with the O.A.U. Charter and problems of African unity arising from the prescriptions contained in the Charter itself.

As such, perspectives of the international law of international organizations has been partially the focus rather than a mere look at African problems from an orthographical projection or a bird's eye view.

For, Africa is faced with numerous problems both those within human ability to face and those beyond human ability. The problems of drought, lack of rain and the increasing desertification in Africa is beyond the power of human control. However, massive international efforts would be needed to try to bring some relief on this matter. But then, it would need so much investment, mostly non-replenishing investments, and it is doubtful that profit motivated sources would invest in something like that. Moreover, there are other African problems that are brought about by international inflation, infringements of human and civil rights, rigid principled ideological position, poverty, diseases and ignorance, that can be within human control except for Africa's lack of development and for the inability of the international community to be as generous to Africa as they were to Western Europe after World War II or to white minority ruled South Africa.

As for the Organization of African Unity itself, the problems of African unity are also the result of short-sightedness imbued in the Charter itself.

On the basis of the Charter, the foundation of the intended African unity was laid out wrongly. For, instead of the Organization being for African unity, it is for the maintenance of the status quo. This means that African states are supposed to be as they are, each with international personality. This being the case, the name of the Organization should have been reflexive of this fact as in "The Organization of African States." Otherwise, as we look at African countries vis-a-vis, say European countries, we find that as small a country as Switzerland, when compared to France or Spain, has individual personality. Whereas in the "Organization of African Unity" we get the impression that Africa is to unite probably in the sense of the United States of America.

On the basis of the prevailing circumstances, then, the Organization of African Unity is a misnorma, and, since it gives Africans the hope for unity, it is therefore retarding African development as African countries, believing that there would eventually be African unity, spend their meagre resources to help bring about African unity by taking up general African problems as their own problems. Hence, they neglect the development of their own countries sacrificing for something that may never come about.

If African unity is indeed intended, then the Charter of the Organization of African Unity must be amended and efforts may then be channeled in the right direction. Misdirection is as is the current phenomenon would stop, and African countries would be released from the psychological hang-up of chasing a dream that may never come true.

As the final word, then, "The Organization of African Unity" is not yet born.

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NOTES

- (1) Vernon McKay (ed.), *African Diplomacy: Studies in the Determinants of Foreign Policy* (New York, Washington, London: Frederick Praeger, 1966), p. 22.
- (2) Ibid.
- (3) Werner J. Feld and Robert S. Jordan, *International Organizations: A Comparative Approach* (New York: Praeger Special Studies, 1983), pp. 76-78.

REFERENCES

- Cervenka, Z. 1969. *The Organization of Africa Unity and Its Charter*. Hurst, London.
- Che-Mponda, A. H. 1972. The Malawi-Tanzania border and territorial dispute, 1968: A case study of boundary and territorial imperatives in the new Africa. Ph.D. dissertation, Howard University.
- 1984. Aspects of Nyerere's political philosophy: A study in the dynamics of African political thought. *African Study Monographs*, 5: 63-74.
- El-Ayouty, Y. (ed.) 1975. *The Organization of African Unity After Ten Years: Comparative Perspectives*. Praeger, New York, Washington, London.
- Kirgis, F. L., Jr. 1977. *International Organizations in Their Legal Setting: Documents, Comments and Questions*. West Publishing, American Case Book Series, St. Paul, Minn.
- Lystad, R. A. 1965. *The African World: A Survey of Social Research*. Pall Mall, London; Praeger, New York.
- Mangone, G. J. 1954. *A Short History of International Organization*. McGraw-Hill, New York, Toronto, London.
- McKay, V. (ed.) 1966. *African Diplomacy Studies in the Determinants of Foreign Policy*. Frederick A. Praeger, New York, Washington, London.
- Thiam, D. 1965. *The Foreign Policy of African States*. Phoenix House, London.
- Waronoff, J. 1970. *Organizing African Unity*. Metuchen, N.J.

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