

# THE ROLE OF INTERNATIONAL AND REGIONAL ORGANIZATIONS IN THE PEACEFUL SETTLEMENT OF INTERNAL DISPUTES (WITH SPECIAL EMPHASIS ON THE ORGANIZATION OF AFRICAN UNITY)

*His Excellency Mr. Radha Krishna Ramphul\**

## I. THE ORGANIZATION OF AFRICAN UNITY

The Organization of African Unity (O.A.U.) was founded as a regional organization of all African states in 1963. Its name and the date of its founding tell a great deal about it. The O.A.U. came into being as Africa was being decolonized. The independent states of the continent were already numerous, but they were also poor, weak, and, in many respects, dependent on the former metropolitan countries. The leaders of the continent felt that Africa was still vulnerable to external pressure and aggression. They feared that a divided and weak Africa would continue to be dominated by foreign powers.

The independent states of Africa concluded that a unification of the continent was essential to the progress of African peoples. Formal political independence would not end foreign influence by itself; nor would it guarantee peace and prosperity to a vast and fragmented continent. This point was driven home in the three years after the Congo's accession to independence. The assassination of Lumumba, the secession of Katanga, and the intervention of mercenaries and foreign powers destroyed a nation and caused turmoil on the continent. After the Congo debacle, African nations saw that unity was imperative.

However, the leaders of Africa had very different visions of the future. They were all, of course, influenced by the great Pan-African dream, but they were divided over the practical matter of devising a charter for African unity. Some leaders, forming a "radical group" around Kwame Nkrumah of Ghana, Sekou Toure of Guinea, and others, believed in a unified Africa with a continent-

---

\*Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Mauritius to the United Nations.

wide organization that would have extensive powers. Other leaders, most of them from Francophone states still dependent to a degree on France, were political "moderates." They wanted a regional organization with clearly circumscribed powers, but not one that would be able to challenge the status quo.<sup>1</sup>

This division profoundly affected the nature of the organization which was created in Addis Ababa on May 25, 1963. The Charter of the Organization of African Unity was the result of a compromise between the moderates and the radicals. The radicals and their allies did succeed in gaining agreement on an all-Africa organization. The moderates, however, were able to ensure that the Charter conferred only limited powers on the new organization.

The Charter of the O.A.U. describes the common purposes of the founding member states. These purposes are not dissimilar to those found in the Charter of the United Nations. The emphasis, however, in the Charter of the O.A.U. is on promoting "the unity and solidarity of the African States."<sup>2</sup> The O.A.U. is also committed to the eradication of "all forms of colonialism in Africa."<sup>3</sup> This commitment has played an important role in defining O.A.U. policies and priorities over the last twenty years.

The Charter of the O.A.U., in contrast to the United Nations Charter, does not provide for collective measures to prevent or remove threats to international peace and security. It states only that members "shall co-ordinate and harmonize" their policies for defense and security,<sup>4</sup> an aim which has proved elusive in practice.

The O.A.U. Charter affirms the principles of the sovereign equality of states, non-interference in the internal affairs of States, respect for the sovereignty and territorial integrity of each state, the peaceful settlement of disputes, the emancipation of all dependent African territories, and non-alignment in foreign policy.<sup>5</sup> It also condemns unreservedly all forms of "political assassination" and "subversive activities."<sup>6</sup>

The institutions created by the O.A.U. to give effect to articles II and III, however, are of a decidedly different order from those cre-

---

<sup>1</sup> For a discussion of the differences among founders of the O.A.U., see M. WOLFERS, *POLITICS IN THE ORGANIZATION OF AFRICAN UNITY* (1976); see also Z. CERVENKA, *THE UNFINISHED QUEST FOR UNITY: AFRICA AND THE O.A.U.* (1977).

<sup>2</sup> O.A.U. CHARTER art. II, para. 1(a).

<sup>3</sup> *Id.* art. II, para. 1(d).

<sup>4</sup> *Id.* art. II, para. 2(f).

<sup>5</sup> *Id.* art. III, paras. 1-4, 6, 7.

<sup>6</sup> *Id.* art. III, para. 5.

ated under the United Nations Charter. The supreme organ of the O.A.U. is the Assembly of Heads of State and Government. It generally meets once a year to "discuss matters of common concern to Africa."<sup>7</sup> The Council of Ministers created under article XII is responsible for preparing meetings of the Assembly and for implementing its decisions.<sup>8</sup> A General Secretariat is responsible for servicing both the Assembly and the Council.<sup>9</sup> Its Administrative Secretary-General is appointed by the Assembly.<sup>10</sup>

It is evident that this structure has certain weaknesses. The Assembly of Heads of State and Government is inevitably an awkward institution. It cannot function continuously; its busy members can devote only a limited amount of time to O.A.U. affairs, and the members of the Assembly cannot function as a "security council" since they are neither directed to deal with disputes which might threaten the peace, nor empowered to take collective action binding on member states upon a determination that such a threat exists. As there are no other institutions with significant power in the O.A.U. system, the organization as a whole has only a limited capacity to act in the settlement of disputes. It is neither designed nor structured to play the same kind of role as the United Nations in the field of peace and security.<sup>11</sup>

## II. THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

It is now generally accepted that the activities of the Organization of African Unity fall within the provisions of the United Nations Charter. The O.A.U. is recognized as a regional organization under chapter VIII of that Charter, which defines the relationship between the United Nations and regional organizations.

The United Nations Charter confers broad powers on the Security Council in the settlement of disputes that threaten, or might threaten, international peace and security. This mandate, however, was not meant to exclude regional organizations from considering such disputes. Article 52 of the Charter states that "[n]othing in the present Charter precludes the existence of regional arrange-

---

<sup>7</sup> *Id.* arts. VIII-IX.

<sup>8</sup> *Id.* art. XIII, paras. 3-4.

<sup>9</sup> *Id.* art. XVIII.

<sup>10</sup> *Id.* art. XVI.

<sup>11</sup> For a useful analysis of the weaknesses of the O.A.U., see Tandon, *The Organization for African Unity: A Forum for African International Relations*, 246 ROUND TABLE 221-30 (1972).

ments for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action . . . ."<sup>12</sup> The activities of such organizations, of course, must be compatible with the aims and principles of the United Nations Charter.

The United Nations Charter, in fact, explicitly states that members of the United Nations should "make every effort" to place local disputes before regional organizations. The Charter further states that the Security Council should encourage this procedure by referring local disputes to regional organizations itself, if necessary.<sup>13</sup> Thus, the Charter assigns regional organizations a clear role in the peaceful settlement of disputes. It even implies that the parties to local disputes should seek to settle their claims through the offices of regional organizations before taking them to the Security Council.

The Charter of the Organization of African Unity also helps to lay the basis for defining the relationship between the United Nations and the O.A.U. The founders of the O.A.U. did not explicitly state their intention to set up a regional organization under chapter VIII of the United Nations Charter. The indications are, however, that they saw themselves as building on what the Charter had accomplished. The preamble of the O.A.U. Charter states that the United Nations Charter and the Universal Declaration of Human Rights define a set of principles to which "we re-affirm our adherence" and that provide "a solid foundation for peaceful and positive co-operation among States."<sup>14</sup>

More importantly, article II of the O.A.U. Charter, which defines the purposes of the Organization, commits members to promoting "international co-operation having due regard to the Charter of the United Nations."<sup>15</sup> When this purpose is considered in conjunction with the words of the preamble, the clear indication is that the founding states intended the Organization to operate within the framework of the purposes and principles of the United Nations. This is certainly the interpretation of most legal authorities on the matter.<sup>16</sup>

---

<sup>12</sup> U.N. CHARTER art. 52, para. 1.

<sup>13</sup> *Id.* art. 52, para. 3.

<sup>14</sup> O.A.U. CHARTER preamble.

<sup>15</sup> *Id.* art. II, para. 91(e).

<sup>16</sup> See, e.g., Aendemichael, *The Organization of African Unity and the United Nations: Relation in the Peace and Security Field*, in REGIONALISM AND THE UNITED NATIONS 225, 228-59 (1972).

The O.A.U. thus seems to qualify as a regional agency under the United Nations Charter. Its purposes and principles are compatible with those of the United Nations, and it was intended to play, and actually has played, a significant role in the peaceful settlement of disputes between countries on the African continent.

### III. THE CONCEPT OF NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF MEMBERS OF THE O.A.U.

The O.A.U. Charter pledges member states to the principle of "non-interference in the internal affairs of States." This language is very broad, and it reflects the intention of many of the O.A.U.'s founders to ensure individual members full sovereignty and independence of action. Although some founding member states took a more universalist view in the arguments over the Charter, the majority feared interference in their affairs by stronger neighbors in the name of Pan-Africanism. When the Charter was written these fears were embodied in it. The founders of the O.A.U. adopted a domestic jurisdiction clause that was meant to limit the powers of the O.A.U., even in the peaceful settlement of disputes. The Organization of African Unity was never intended by the majority to function as a supra-national organization.

From the beginning, therefore, the O.A.U. could concern itself only minimally with issues which a member state might regard as internal affairs. It was unable, for instance, to do anything about the actions taken by the Amin Government against Ugandan Asians, despite the fact that acts committed against them were in clear violation of international law.<sup>17</sup> It was never able to intervene in the war in the Sudan, despite the role which foreign powers played in it. And it was unable to do more than attempt conciliation—in which its efforts failed—in the Nigerian civil war.

The practice of the O.A.U. over the years has tended to emphasize the right of member states to conduct their affairs as they see fit. In fact, the O.A.U. has been able to assist in the settlement of disputes only where the parties to them have been willing to accept its intervention, and its role has been limited by the degree to which the parties have been willing to accept proposed procedures and solutions.

---

<sup>17</sup> Umzurike, *The Domestic Jurisdiction Clause in the O.A.U. Charter*, 78 AFRICAN AFFAIRS 197, 198 (1979).

The broad language of the domestic jurisdiction clause is clearly one reason for the limited role accorded to the O.A.U. It is not, however, the only one. The effect of the domestic jurisdiction clause is reinforced by a striking omission in the O.A.U. Charter: it does not provide any mechanism to compel members to seek the peaceful settlement of disputes.<sup>18</sup> The O.A.U. is not entitled to intervene in a dispute which might threaten international peace and security. This means that member states can ignore the Organization if they choose to, especially in the early stages of a dispute when its dangers may be only dimly perceived.

Thus, the practice of the O.A.U. has been somewhat different from that of the United Nations. From the beginning, the provisions of the O.A.U. Charter confined the Organization to a relatively narrower role in the settlement of disputes.

#### IV. THE O.A.U. AND THE SETTLEMENT OF REGIONAL DISPUTES

The O.A.U. has given great emphasis to negotiations rather than law in the settlement of disputes among African states. Disputes have been settled through direct negotiations between states, through ad hoc committees of heads of state, through the offices of third parties, and in negotiations during the Assembly. The whole approach has been one which treats states as sovereign and equal, without any attempt to impose standards of law or conduct on the parties concerned.

Again, this approach reflects the mistrust of foreign influences which have been so strongly felt in Africa. The O.A.U. has thus avoided resorting to judicial means of settlement. It has avoided referring disputes to the International Court of Justice. It has even been reluctant to rely on the rules of customary international law. All of these have been seen as the products of an experience foreign to Africa and of little relevance to the settlement of disputes among African states.

The Organization of African Unity has, in fact, developed its own unique approach to the settlement of disputes. While the scope for intervention has been limited, the O.A.U.'s approach has been particularly suited to African conditions. The O.A.U. has paid great attention to the requirements for the maintenance of African unity, and this has given member states confidence in the proce-

---

<sup>18</sup> Okongwu, *The O.A.U. Charter and the Principle of Domestic Jurisdiction in Intra-African Affairs*, 13 *INDIAN J. INT'L L.* 589, 591 (1973).

dures that it has developed. As a result, these procedures can be readily applied in the settlement of many regional disputes. Their development has been a valuable achievement.

There are three main elements in the O.A.U.'s approach to the settlement of disputes. Two of these are certainly unique to the O.A.U. as a regional organization.

The first element is what Cervenka has called "the African framework."<sup>19</sup> The O.A.U. has sought to settle disputes within a purely African framework. The Organization has not borrowed standards of behavior or conduct from others, but has sought to develop its own standards, basing them on the consensus of African opinion on a particular matter. Solutions have been sought by pushing the parties toward an agreement which reflects the consensus. The formation of a consensus has consequently been an important part of the whole approach. When a consensus on an issue emerges, the O.A.U. attempts to use the weight of African opinion to move the parties closer to the common view and, therefore, closer to a settlement.

The second important element in the O.A.U.'s approach is the use of authority to initiate and sustain negotiations between the parties.<sup>20</sup> The typical O.A.U. intervention begins with conciliation or mediation by a head of state. In the first dispute between O.A.U. member states, the dispute between Morocco and Algeria in 1963, Emperor Haile Selassie and President Modibo Keita took on the role of peace-makers. They achieved a cease-fire and set bilateral talks in motion. The negotiations resulted in a settlement. The O.A.U. does not use professional mediators or arbitrators in the search for a settlement. It uses the influence of its elder statesmen, who can command the respect and confidence of the parties to a dispute. These statesmen are regarded as the embodiment of wisdom, and therefore exert considerable authority. They play a critical role in developing a consensus among O.A.U. members and in persuading the parties to a dispute to modify their positions.

Finally, the O.A.U. has sought to develop its own norms for the settlement of different types of conflicts, whether they are boundary disputes or conflicts arising out of charges of subversion. The O.A.U.'s experience in boundary disputes provides the clearest example of the way in which norms have emerged for the settlement of disputes in Africa. The African continent has few natural

---

<sup>19</sup> Z. CERVENKA, *supra* note 1, at 65-67.

<sup>20</sup> See *id.* at 67-68.

boundaries separating one nation from another. Ethnic groups, furthermore, are often distributed across several nations. The boundaries which have been inherited from colonial times are arbitrary and do not reflect the political, economic, and ethnic realities of contemporary Africa. Consequently, in the post-colonial years there were many territorial and boundary disputes among African states. Sometimes these escalated into armed confrontation.

However, even though African states complained that colonial boundaries were arbitrary and unsatisfactory, they became aware that the constant revision of boundaries, by whatever means, carried with it many dangers. Boundary revisions could change the ethnic balance within a state and generate internal conflict. They could open or close access to the sea. The granting of the right of secession could lead to political disintegration. The potential for havoc was considerable.

For a variety of reasons, therefore, the members of the O.A.U. came to recognize that there were advantages to the maintenance of the status quo as defined by colonial boundaries. From the first boundary dispute, the O.A.U. sought to bring the parties back to the status quo, and a working rule emerged that colonial boundaries should be respected. This is now the norm that is brought to bear whenever the O.A.U. must deal with a boundary or territorial dispute.

The O.A.U. has not been so successful in developing guidelines for the settlement of other kinds of disputes. Disputes over charges of subversion or over ideological matters present more complex problems. They do not yield readily to simple formulae. Nonetheless, the overall approach of the O.A.U. has often worked in other kinds of disputes. Even where the O.A.U. has been unable to help settle a dispute, it has usually been able to achieve a normalization of relations between the parties. The O.A.U. clearly has a limited ability to assist in the settlement of international disputes. Yet it can and does play a useful role on the African continent and in world affairs by virtue of what it is able to do.

## V. CASE STUDIES

### A. *Algeria-Morocco:*

In late 1963, hostilities broke out between Algeria and Morocco in a part of the Sahara administered by the former but claimed by the latter. More than 100 men died when Morocco took possession of the disputed area. No foreign powers were involved, but African

leaders were concerned that French and Soviet ties to the parties might lead to foreign intervention. Emperor Haile Selassie of Ethiopia and President Keita of Mali succeeded in arranging a cease-fire. They also arranged an extraordinary meeting of the O.A.U. Council of Ministers. This resulted in the appointment of an ad hoc commission to study the dispute and to make recommendations for a settlement. Although the commission was not able to put forward substantive proposals for a settlement, it was able to secure agreements for the release of prisoners, the withdrawal of troops, and the restoration of diplomatic relations. This led to direct negotiations between Algeria and Morocco and, in 1968, to a settlement. The settlement was based on the principle that colonial boundaries should be maintained. The economic dispute between the parties was resolved by the creation of a jointly owned company for the exploitation of minerals in the disputed area.<sup>21</sup>

#### B. *The Civil War in the Congo:*

In the case of the civil war in the Congo, the O.A.U. was confronted with a very different kind of crisis. The Belgian supported secession of Katanga triggered the crisis shortly after the Congo's independence. The assassination of Patrice Lumumba and the attempt to install a moderate government closely controlled by foreign powers deeply divided the Congo at the beginning of the 1960's. By 1963 the secession of Katanga had been ended. However, political turmoil in the Congo continued. Tshombe, the leader of the attempted secession in Katanga, began to gather mercenary forces to support a second bid for power. The heirs of Lumumba formed a National Liberation Committee (C.N.L.) in late 1963. It was based in two neighboring countries and sought to challenge the authority of the Adoula Government.

In July 1964, Tshombe was sworn in as Prime Minister of the Congo. This shocked the whole of Africa. African leaders regarded Tshombe as responsible for the murder of Lumumba and for the introduction of Rhodesian and South African mercenaries into the Congo. The reaction inside the Congo was itself strong, and the C.N.L. launched an offensive against the Congolese army, capturing Stanleyville a short time after Tshombe assumed power.

---

<sup>21</sup> For a general discussion of the Algerian-Moroccan dispute, see M. DONELAN & M. GRIEVE, *INTERNATIONAL DISPUTES: CASE HISTORIES 1945-1970* 143-46 (1973); see also Meyers, *Intraregional Conflict Management by the Organization of African Unity*, 28 *INT'L ORG.* 345, 354 (1974).

The stage was set for a civil war which threatened a confrontation between the major powers. Tshombe was supported by the Western powers, particularly the United States. The C.N.L. received support from the Soviet Union and China, although that support was relatively small.

The O.A.U. met in September 1964 to discuss the crisis. Initially the Council of Ministers sought to achieve national reconciliation between the Tshombe Government and the Stanleyville regime, to form a caretaker government of national unity, to hold free elections under O.A.U. control, and to bring about the end of foreign intervention. It particularly emphasized the withdrawal of all foreign troops and mercenaries. Eventually, however, it succeeded only in creating an ad hoc commission with two aims: to bring about national reconciliation and to normalize relations between the Congo and its neighbors.

The Kenyatta commission did succeed in normalizing relations between the Congo and Burundi and Congo (Brazzaville). However, it was not successful in reconciling Tshombe with the leaders of the C.N.L., and the civil war continued. By October 1964, after fierce fighting between the Congolese army and its mercenaries on the one hand, and the army of the C.N.L. on the other, the tide seemed to turn against Tshombe. At that time, however, the United States, Belgium, and Great Britain mounted a major military operation at Stanleyville, where they dropped paratroops, captured Stanleyville, and ended any effective military challenge to Tshombe.

Thus, despite its attempt to intervene over an extended period, the O.A.U. was left in a position of helplessness in the face of a civil war which involved major foreign powers.<sup>22</sup>

### C. *Guinea-Ivory Coast:*

In early 1967, Guinea arrested several Ivorian citizens and captured an Ivorian fishing trawler. The Guinea Government said that the crew of the trawler had been planning to abduct the exiled former President of Ghana, Kwame Nkrumah. The President of Liberia sought unsuccessfully to mediate the dispute.

In June of 1967, the Ivorian Government retaliated by detaining Guinean officials who were in transit from a United Nations ses-

---

<sup>22</sup> See generally Z. CERVENKA, *supra* note 1, at 84-96; M. DONELAN & M. GRIEVE, *supra* note 21, at 203-09.

sion and on their way back to Conakry. The Ivorian Government stated that it would release the detained officials only when the Ivorian citizens detained in Guinea were released.

The Secretary-General of the United Nations intervened in order to secure the release of the persons detained by both governments. He was unsuccessful. He then requested that the O.A.U. assume primary responsibility for the resolution of the dispute. The Assembly of the O.A.U., in turn, requested the President of Liberia to continue his efforts at mediation. With the backing of the O.A.U., President Tubman succeeded in securing the release of the prisoners.<sup>23</sup>

#### D. *The Nigerian Civil War:*

The Nigerian civil war, in which Biafra sought to secede from the Federation, followed two military coups and the slaughter of Ibo people in the northern state of Kano. The coups, which took place in 1966, unsettled the whole of Nigeria. In the internal conflicts that followed, the leaders of Nigeria were unable to agree on a form of federation which would satisfy everyone. The proposal eventually adopted by most leaders was rejected by the Military Governor of the Eastern Region, Colonel Ojukwu. With the mandate of the Eastern Consultative Assembly, he proclaimed an independent state of Biafra in May 1967. There followed a long and costly civil war in which one to two million people perished.

From the beginning, the Nigerian Government treated the secession as a strictly internal matter. However, a number of factors prompted the O.A.U. to try to settle the conflict. The first was the danger of foreign intervention. The United Kingdom and the Soviet Union provided substantial supplies of arms to the federal government. France and Portugal supplied Biafra. In addition, a number of African countries recognized Biafra, so there was a clear possibility of expanding foreign involvement. The third factor which influenced the O.A.U. was the world campaign to assist the encircled and starving population of Biafra.

At its 1967 meeting, against the opposition of Nigeria, the O.A.U. Assembly took up the matter. However, it was unable to consider the substantive issues which divided the federal government and Biafra. This would have been open intervention in the internal affairs of Nigeria and would have undermined the unity of

---

<sup>23</sup> Meyers, *supra* note 21, at 361-62.

the O.A.U. Instead, the Assembly created a special commission of six heads of state to try to mediate the conflict. The Consultative Committee on Nigeria, however, could not treat the parties as equals. Its first communiqué, which set the tone for later O.A.U. meetings on the question, affirmed the need to "preserve the unity and territorial integrity of Nigeria." It was a bitter disappointment for Biafra.<sup>24</sup>

Although the O.A.U. did arrange peace talks between the two sides, the position of the federal government remained firm. The O.A.U. had no way of pursuing the matter effectively. It could not even deal with the member states who had recognized Biafra. Thus, the O.A.U. was unable to play an effective role. The war continued until the federal government brought the Biafrans almost literally to their knees. The O.A.U.'s principal achievement in the Nigerian civil war was that it upheld the unity of African states.<sup>25</sup>

#### E. *The Western Sahara:*

In 1967, Western Sahara was still a Spanish colony. Both Morocco and Mauritania laid claim to it. In the fall of 1967, the General Assembly of the United Nations began to lay the basis for decolonization of the territory. It asked Spain to begin preparations for a referendum under United Nations auspices in order to allow the people of the territory to decide their future.

The problem was that the decolonization of the territory was expected, under the circumstances, to increase tensions between competing neighboring states. Decolonization had to be carried out in consultation with Morocco and Mauritania if a conflict between the two was to be avoided.

By 1974, Morocco and Mauritania had developed a joint approach to the decolonization of the Western Sahara. However, the General Assembly called for a postponement of the referendum pending a judgment by the International Court of Justice of the legal ties of the territory to Morocco and Mauritania at the time of colonization. The Court decided that such ties existed but that they should not prejudice the decolonization of the territory.

Spain then created an entirely new situation by transferring power to a temporary administration of the territory in which both Morocco and Mauritania were represented. At the end of February

---

<sup>24</sup> See generally Andemichael, *supra* note 16, at 250-51; Z. CERVENKA, *supra* note 1, at 99.

<sup>25</sup> See Z. CERVENKA, *supra* note 1, at 108.

1976, Spain terminated its presence in the Western Sahara, turning the territory over, in effect, to Morocco and Mauritania. Thus, the views of the Saharan people were ignored. The United Nations, facing the complication of a Moroccan-Mauritanian administration, was placed in a situation where it could not easily press for decolonization.

The result of these maneuvers was to set off a war. The POLISARIO Front, which has a wide base of support among the Saharan people, founded a Democratic Sahrawi Arab Republic. This government was recognized by Algeria in 1976. POLISARIO then began an armed struggle to end the occupation of Western Sahara by Morocco and Mauritania.

The O.A.U. did not intervene in the situation until the meeting of the Assembly of Heads of State and Government in the summer of 1976. At that meeting, the Assembly called for an extraordinary session of the O.A.U. to try to settle the conflict and to remove the barriers to Saharan independence that had been raised by other powers.

It took two years to convene the meeting called for in 1976. In the meantime, for some six years the fighting in the Western Sahara has continued, a plan for the settlement of the conflict has been drawn up, Mauritania has withdrawn its claim and ended its presence in the Western Sahara, many African states have recognized the Democratic Sahrawi Arab Republic, and, by a recent decision, the O.A.U. has admitted it as a member state. This latter decision, however, has badly divided the O.A.U. itself, and a definite solution to the problem of the Western Sahara seems far off.<sup>28</sup>

## VI. ASSESSMENT

We can see in retrospect that the Organization of African Unity has had some success in the settlement of intra-regional disputes. It is clear, however, that the Organization has had to play a limited role in most African conflicts. Its ability to intervene is limited by virtue of its limited powers and the limited resources at its disposal for pressing the parties in a dispute to settle. The O.A.U. can mobilize authority and influence, but it lacks power. This is why it has been relatively successful in helping to settle strictly African disputes, and far less successful in helping to settle disputes involving foreign powers. It was almost helpless in the case of the

---

<sup>28</sup> See Andemichael, *supra* note 16, *passim*. Cf. Meyers, *supra* note 21, *passim*.

Congo civil war, but it has been much more successful in disputes between African states where the issues were truly local.

In the realm of strictly regional disputes, the O.A.U. has two achievements to its credit. The first is the working rule that the O.A.U. should be the first international forum for settling disputes among African states. Repeatedly, the United Nations has preferred to send a dispute to the O.A.U. rather than take it up in the Security Council. The "try the O.A.U. first" rule has probably helped to resolve some disputes more rapidly than they would have been resolved elsewhere, for the O.A.U. has been able to bring to bear its quite unique procedures on states which respect African authority and understand consensus. Other organizations might have found it more difficult to approach disputes in the same manner, and might have had correspondingly reduced chances of success in assisting a settlement. Secondly, the norm that colonial boundaries should be respected represents an important step in the direction of stability in the relations between African states.

Finally, it is important to note that the O.A.U.'s most important achievements in the settlement of disputes may lie outside the limits of effort at settlement strictly speaking, for the most important disputes in Africa have not been between member states of the O.A.U., but between member states and the African colonial powers, particularly South Africa. The O.A.U. has been dedicated to ending all forms of colonialism in Africa from the very beginning. It has worked steadily toward that goal, and has made, without any doubt, a fundamental contribution through its efforts to secure the freedom of Guinea Bissau/Cape Verde, Angola, Mozambique, Zimbabwe and the independence of Namibia. If it has not directly resolved these questions itself, it has nonetheless laid the basis, through long and patient effort, for pressing toward a resolution of colonial questions within the United Nations General Assembly and Security Council. It has thus played a most important part in helping to unite Africa and to clear the way for effective cooperation among free and independent states throughout the continent.