CHAPTER 2.
THE TRANSITION FROM THE ORGANIZATION OF AFRICAN UNITY TO THE AFRICAN UNION

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1. Introduction

Africa was not part of the move to multilateral institutions that unfolded at the international level at the turn of the last century, for the obvious reason that the emergence of this phenomenon occurred shortly after another, more debilitating and less civilizing, international phenomenon: the European colonization of African peoples and territories. Thus, with the exception of four States which had either never been colonized (Ethiopia and Liberia) or had become formally independent (Egypt) or were regarded as autonomous dominions of the colonial empire (South Africa), the colonized African territories were not represented in the League of Nations, the first truly international organization in the history of humankind. Africa’s participation in the move to multilateral institutions had to wait for the establishment of the United Nations (UN) in 1945, and the emergence of the erstwhile colonies into independent States in the early and mid-1960s.

The rise of independent African States from the ashes of colonialism was accompanied by two developments. The first was the more or less automatic admission of these new States to UN membership. Secondly, the establishment of a continental organization whose membership was open to all independent sovereign African States as a forum for the pursuit of common objectives, including the promotion of the unity and

solidarity of African States, the defence of their sovereignty, territorial integrity and independence, and the eradication of all forms of colonialism from Africa. The creation of the Organization of African Unity (OAU) on 25 May 1963 in Addis-Ababa, Ethiopia, was undertaken within the context of Article 53 of the UN Charter, which allows for such regional arrangements and agencies. It can thus be said that if African States were not “present at the creation” of the movement to international institutions at the turn of the twentieth century, by mid-century a significant number of them had emerged and were able not only to join the United Nations—which was itself barely two decades old—but to found their own regional organization. The story of the OAU has been told elsewhere and needs no repeating here.

The aim of this Chapter is to contribute to the debate over the transformation of the institutional framework for African inter-state cooperation and coordination from the OAU to its successor, the African Union (AU). It seeks to chart and analyze the transition from the former body to the latter, and to explore some of the cardinal issues that motivated this transformation. In examining this transformation and transition from the old to the new organization, it may be instructive to contrast this experience with another phenomenon that some scholars have observed since the end of the cold war: namely, the degree to which “traditional” international organizations have adapted to deeply changing political and factual circumstances without formally amending their own constitutional structures or functions.

One of the pertinent questions that must be addressed here is: why did the OAU Member States opt to establish a new entity altogether to replace an organization that had served the continent well for over three and half decades instead of merely reforming it, through appropriate amendments to the Charter, to enable it to meet the new challenges?

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1 In this discussion, I have partly drawn from some of my earlier work, for example: “Re-imagining African Unity: Some Preliminary Observations on the Constitutive Act of the African Union,” *African Yearbook of International Law* 9 (2002), pp. 3 et seq.