TOWARDS A UNION
GOVERNMENT FOR AFRICA

CHALLENGES AND OPPORTUNITIES

EDITED BY TIMOTHY MURITHI

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PREFACE

The Institute for Security Studies (ISS) is an independent and non-profit applied policy research organisation with a focus on human security in Africa. Its mission is to conceptualise, inform and enhance the security debate on the continent and internationally. The ISS has offices in Addis Ababa, Cape Town, Nairobi and Pretoria. It recognises that conflict prevention and peace-building are fundamental principles of the African peace and security agenda. Efforts to anticipate and resolve disputes are intrinsic components of this agenda and the ISS Direct Conflict Prevention Programme (DCP), in Addis Ababa, was established to enhance conflict prevention strategies. The DCP also strives to contribute to policy development on continental integration and this monograph is a contribution to that objective.

Prior to the 9th Ordinary Session of the AU Assembly of Heads of State and Government, held in Accra, Ghana, from 1 to 3 July 2007, the DCP commissioned and undertook thematic studies on issues pertaining to the 'Grand Debate on Union Government'. Eight policy-oriented research papers were produced to influence policy debates and consultations on a Union Government for Africa. On 27 July 2007 the DCP launched these papers at a seminar entitled 'Towards the United States of Africa?' held at the Alisa Hotel in Accra, Ghana. At the conclusion of the 9th Ordinary Session the AU Assembly issued the Accra Declaration. The ISS DCP subsequently commissioned additional papers to assess the issues outlined by the Accra Declaration. These papers were presented at a two-day seminar entitled 'Towards a Union Government of Africa: Challenges and opportunities', held at the Hilton Hotel in Addis Ababa on 11 and 12 October 2007. Following the deliberations at the seminar, the authors edited their papers, which have now been compiled into this monograph.

As part of the ISS mandate to develop policy-relevant research, this monograph addresses the proposals and recommendations stipulated in the Accra Declaration. This involves identifying the areas on which African countries, regional economic communities (RECs), civil society and the AU should focus in order to lay the foundation for the formation of a Union Government.

This text provides a valuable resource in terms of advancing understanding of the challenges and opportunities of continental integration in Africa. It will also be made available on our website (www.issafrica.org) for consultation by AU officials, AU member states and policy-makers, as well as other educational, training and policy institutions. I hope that this publication will prove to be useful and stimulating to its readers.

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ABBREVIATIONS AND ACRONYMS

ADB   African Development Bank

AEC   African Economic Community

AMU   Arab Maghreb Union

APRM   African Peer Review Mechanism

ASF   African Standby Force

AUC   African Union Commission

AU   African Union

CEMAC   Communauté Economique et Monétaire d'Afrique Centrale [Central African Economic and Monetary Community]

CEN-SAD   Community of Sahel-Saharan States

CEWS   Continental Early Warning System

CFSP   Common Foreign and Security Policy

CIAS   Conference of Independent African States

COMESA   Common Market for Eastern and Southern Africa

COPAX   Conseil de Paix et de Securité de l'Afrique Centrale [Central African Peace and Security Council]

CSOs Civil Society Organisations

EAC East African Community

EASBRIG	Eastern Africa Standby Brigade
ECA	Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEC	European Economic Community
EPAs	Economic Partnership Agreements
ESF	ECOWAS Standby Force
EU	European Union
FOMUC	Force Multinationale en Centrafrique [Multinational Force in Central Africa]
IGAD	Intergovernmental Authority on Development
LPA	Lagos Plan of Action
MDG	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity
ODA	Official Development Assistance
PAP	Pan-African Parliament
PRC	Permanent Representatives Committee

PRSPs   Poverty Reduction Strategy Papers

PSC   Peace and Security Council

RECs   Regional Economic Communities

OAU   Organisation of African Unity

SADC   Southern African Development Community

SADCBRIG   Southern African Development Community Brigade

STCs   Specialised Technical Committees

UA   United Africa

UDEAC   Union Douanière et Économique de l'Afrique Central [Central
             African Customs and Economic Union]

UEMOA   Union Economique et Monétaire Ouest Africaine [West African
             Economic and Monetary Union]

UMA   Union du Maghreb Arabe [Arab Maghreb Union]

UN   United Nations

UNDP   United Nations Development Programme

UNECA   UN Economic Commission for Africa

WHADN   Western Hemisphere Diaspora Network

WTO   World Trade Organisation

INTRODUCTION:
CONTEXTUALISING THE DEBATE ON A UNION GOVERNMENT FOR AFRICA
Timothy Murithi

Introduction

In 1963 President Kwame Nkrumah argued that a Union Government for Africa would ultimately be the most effective vehicle for Africa's social, political and economic emancipation. At that time there was significant dissension and disagreement on this point. The Organisation of African Unity (OAU) was formed as a comprise between those who wanted immediate continental integration and those who saw benefits in retaining a degree of national sovereignty and autonomy in managing their internal affairs. Forty-four years after Nkrumah's visionary proposal, the leadership of the African Union (AU), the successor organisation to the OAU, is still grappling with the issue of whether to forge a Union Government for Africa. This book will contribute to this ongoing debate by drawing together the views of a selection of AU officials, AU member state representatives, policymakers, researchers, academics and civil society representatives. The chapters contained in the book will discuss the challenges and opportunities facing the proposed Union Government for Africa. This introduction will contextualise the debates leading up to the Union Government discussions and also outline the content and structure of the book.

Background and context

This book is the result of an initiative of the Direct Conflict Prevention Programme (DCP) of the Institute for Security Studies office in Addis Ababa, Ethiopia. Prior to the 9th Ordinary Session of the AU Assembly of Heads of State and Government, held in Accra, Ghana, from 1 to 3 July 2007, the DCP commissioned and undertook thematic studies on issues pertaining to the 'Grand Debate on Union Government'. Eight policy-oriented research papers were produced to influence policy debates and consultations on a Union Government for Africa. On 27 July 2007 the DCP launched these papers at a seminar entitled 'Towards the United States of Africa?', held at the Alisa Hotel in Accra.

At the conclusion of the 9th Ordinary Session the AU Assembly issued the Accra Declaration (African Union 2007), following which the ISS DCP

held a public seminar entitled 'Post-Accra Declaration: What next for the Union Government of Africa?' in Addis Ababa on 13 July 2007. The seminar engaged with aspects of the contents of the Accra Declaration and the prospects for a Union Government for Africa. Following this seminar there was a sense that further analysis, research and debate was required. The ISS DCP subsequently commissioned additional papers to assess the issues outlined by the Accra Declaration. These papers were presented at a two-day seminar entitled 'Towards a Union Government of Africa: Challenges and opportunities', held at the Hilton Hotel in Addis Ababa on 11 and 12 October 2007. This book is a compilation of these commissioned papers and additional contributions from participants. The book seeks to advance the debate further, with a more rigorous and policy-oriented analysis of the challenges and opportunities Africa will face in its endeavour to forge a Union Government.

Rationale for the research and the book

Convening a policy seminar and producing a book on the issue of African integration under the theme of a Union Government for Africa is timely. There are proponents and opponents of the notion of a Union Government. However, it is undeniable that Africa needs to accelerate continental integration if it is to become a functional and effective partner in international relations. It is necessary to advance analysis and research on the notion of a Union Government for Africa. The book provides the vehicle through which this analysis and research can be examined and debated.

Africa is also afflicted internally by common challenges such as an over-dependence on external actors for its fiscal well-being and the under-exploitation of its enormous development potential at national, regional and continental level. In addition, the continent continues to be marginalised in world affairs. Today Africa is generally a target recipient of the actions, exigencies and demands of others, rather than a self-sufficient actor. The continent systematically seeks external assistance to deal with issues of food security and economic development even though collectively it is in a position to solve its problems. Owing to the divisions among its member states and the lack of collective action on many issues, Africa's international bargaining capacity is still weak. There is a growing perception amongst analysts, policymakers, academics and civil society representatives on the continent that regional integration is a remedy for some of Africa's problems. Any proposals and plans for regional integration schemes therefore need to be thoroughly debated, analysed and researched to assess whether they

can fulfil the aspirations of continental unity. This book seeks to advance this objective.

Interrogating the idea of African unity: The historical evolution of pan-Africanism

The first stage in the institutionalisation of pan-Africanism

African unity is an ideal that can be traced back to the 19th century (Adi and Sherwood 2003:vii). The attempt to forge pan-African unity has been expressed in different forms at different points in time (Murithi 2007). The first stage of institutionalisation of pan-Africanism was the convening of the pan-African congresses that were held in the late 19th and early 20th centuries. The second stage is represented by the establishment of the OAU. The AU can therefore be considered the third stage in this process. If it becomes a reality, the African Union Government will represent the fourth stage in the institutionalisation of the ideals, principles and norms of pan-Africanism.

The OAU as the second stage in the institutionalisation of pan-Africanism

The creation of the OAU was supposed to herald greater pan-African solidarity, political liberation, economic development and security (Sturman 2007). Indeed, the OAU inspired and led the struggle against colonialism and racism. Its prime objective was to ensure decolonisation and the eventual unification of the continent. At the inaugural meetings of the OAU the pan-Africanist and first president of Ghana, Kwame Nkrumah, repeatedly called for the creation of a Union Government. In effect the debate on a Union Government for Africa is more than 40 years old. However, soon after the establishment of the OAU nationalist sentiments prevailed and the machinations of cold war powers on the continent effectively distorted the vision of pan-Africanism and African unity (Mathews 2008). Once African countries became decolonised, African leaders only paid lip service to the ideology of pan-Africanism. In this context the culture of indifference became entrenched. Under the cloak of sovereignty, non-intervention and territorial integrity a majority of African leaders, most of whom were illegitimate dictators, oligarchs and kleptocrats, committed atrocities against their own people. This unfortunately laid the foundations for resentment and established the legacy of socio-economic and political turmoil that continues to plague the continent today (Qobo 2007). As an illustration, the 1994

Rwandese genocide took place in the context of the reign of the OAU and its permissive culture of indifference.

The African Union as the third stage in the institutionalisation of pan-Africanism

As noted earlier, the creation of the AU can be considered the third phase of institutionalisation of pan-Africanism. The AU came into existence in Durban, South Africa, in July 2002. It was supposed to usher Africa into a new era of continental integration, leading to a deeper unity and a resolution of its problems. The evolution of the AU from the Organisation of African Unity was visionary and timely. The OAU had failed to live up to all of its norms and principles. Africa at the time of the demise of the OAU was a continent that was virtually imploding owing to the pressures of conflict, poverty and underdevelopment and public health crises like malaria, tuberculosis and HIV/Aids. The OAU had not lived up to its original ideals of promoting peace, security and development in Africa. The AU has emerged as a home-grown initiative to put the destiny of the continent into the hands of the African people. Whether it will achieve this objective remains to be seen.

The AU is seeking to promote a paradigm shift in continental affairs. Unlike the OAU, it is endowed with the right to intervene in the internal affairs of its member states in circumstances involving war crimes, crimes against humanity and genocide (African Union 2000:4(h)). The Constitutive Act of the AU, signed in Lomé, Togo, in 2000, also includes provisions for promoting and ensuring the rule of law, democratic governance and respect for human rights. Interestingly, Article 30 explicitly forbids the 'unconstitutional change of government' (African Union 2000). The AU's peace and security architecture includes innovative structures for peacemaking, peacekeeping and peace-building, such as the Peace and Security Council (PSC), the African Standby Force (ASF), the Continental Early Warning System (CEWS) and the Panel of the Wise, which are yet to deliver comprehensive peace to the continent. These institutions have to be given a chance to work, since the ASF, CEWS and the Panel of the Wise are not yet operational. In terms of governance and development the AU has established the New Partnership for Africa's Development (NEPAD) programme and its offshoot, the African Peer Review Mechanism (APRM). The continental judicial framework is expressed in the form of the African Court of Justice and Human Rights. The AU's consultative mechanisms also include the Pan-African Parliament (PAP) and the Economic, Social and Cultural Council (ECOSOCC). There is a strong case to be made for consolidating and strengthening the institutions

of the AU rather than launching into the creation of a Union Government for Africa. There is also no question that there is still a long way to go before the AU's vision and mission are realised.

An African Union Government: The fourth stage in the institutionalisation of pan-Africanism?

The agenda to establish a Union Government for Africa was launched in 2005. The need to create several ministerial portfolios for the AU was discussed during the 4th Ordinary Session of the Assembly of Heads of State and Government, held in Abuja, Nigeria, on 30 and 31 January 2005. The AU agreed to the proposals made by the Libyan government regarding the establishment of ministerial portfolios for the organisation. Specifically, in the 6th Ordinary Session of the Executive Council of the AU, Libya proposed establishing the posts of Minister of Transport and Communications, Defence and Foreign Affairs (African Union 2005a: EX.CL/Dec.188(VI)). In order to respond to these proposals the AU Assembly decided to 'set up a Committee of Heads of State and Government chaired by the President of the Republic of Uganda and composed of Botswana, Chad, Ethiopia, Niger, Senegal and Tunisia' to liaise with the chairperson of the AU Commission and submit a report by the next summit in July 2005 (African Union 2005b:Assemby/ AU/Dec.69(IV)). In November 2005 the committee convened a conference under the theme 'Desirability of a Union Government of Africa'. This meeting included members of the committee, representatives of the regional economic communities (RECs), technical experts, academics and civil society and Diaspora representatives, as well as the media. The conference came up with four key conclusions, including recognition that the necessity of an AU government is not in doubt; that such a union must be of the African people and not merely a union of states and governments; that its creation must come about through the principle of gradual incrementalism; and that the role of the RECs as building blocks for the continental framework should be highlighted. Based on the findings of this conference the Assembly mandated the AU Commission to prepare a consolidated framework document defining the purpose of the Union Government, its nature, scope, core values, steps and processes, as well as an indicative road map for its achievement. The Assembly reaffirmed 'that the ultimate goal of the African Union is full political and economic integration leading to the United States of Africa' (African Union 2005c:Assembly/AU/Dec.90(V), §3). The Assembly further established a Committee of Seven, to be chaired by President Olusegun Obasanjo of Nigeria, chairperson of the AU, and composed of the heads of state and government of Algeria, Kenya, Senegal, Gabon, Lesotho and

Uganda. More specifically, the Assembly requested the committee to consider 'the steps that need to be taken for the realisation of this objective, the structure, the process, the time frame required for its achievement as well as measures that should be undertaken, in the meantime, to strengthen the ability of the Commission to fulfil its mandate effectively' (African Union 2005c:Assembly/AU/Dec.90(V), §5).

In July 2006 President Obasanjo submitted a detailed report entitled 'A Study on an African Union Government: Towards the United States of Africa' to the 7th Ordinary Session of the AU Assembly in Banjul, Gambia. Some of the key themes emerging from this report highlighted the fact that Africa is over-dependent on the external world, particularly with regard to expatriate technicians and technology. It also noted that Africa had not fully exploited its potential at national, regional and continental level with respect to trade, education and health. It noted that 'a United Africa would have the unique potential of producing most types of food and agricultural produce throughout the year' (African Union 2006:7) and also that in the context of globalisation 'the challenges of over-dependence and under-exploitation of its potentials have increased the marginalisation of the continent in world affairs' (African Union 2006:8). The study further outlined the 16 strategic areas on which an African Union Government should focus: continental integration; education, training, skills development, science and technology; energy; environment; external relations; food, agriculture and water resources; gender and youth; governance and human rights; health; industry and mineral resources; finance; peace and security; social affairs and solidarity; sport and culture; a trade and customs union; and infrastructure, information technology and biotechnology (African Union 2006:8-13). The study noted that the 'design and functioning of a Union Government as a tool for integration would have far-reaching implications on the existing institutions and programmes of the African Union' (African Union 2006:14).

Civil society, the Diaspora and a Union Government for Africa

To what extent are the majority of African people aware that a debate has in fact been launched by the heads of state and government? If they are not aware, who is debating on their behalf with governments and the AU? How can a Union Government project succeed if it does not have the buy-in and the support of the people of Africa? Fortunately, civil society organisations throughout Africa have also contributed to the debates on the proposed Union Government for Africa. Over 35 African and international civil society organisations working in over 40 African countries participated in the first

Consultative Dialogue with the Pan-African Parliament under the theme 'Building Effective Mechanisms for Civil Society Engagement with Pan-African and Regional Institutions'. After a thorough assessment of the proposals for continental government and studying the modalities of its operationalisation, participants made recommendations to the members of the PAP that were later transmitted to the Accra Summit in July 2007 (African Union 2007a). Furthermore, civil society organisations generally agreed on the importance of accelerating continental integration in order to respond effectively to the political and social challenges of the continent.

Therefore, it is important to include African people and civil society organisations in this debate on Union Government. From 28 to 30 May 2007 the AU convened an 'All-Inclusive Continental Consultation on the Union Government Project' at its headquarters in Addis Ababa as part of the preparations for the Accra Summit. Civil society had the opportunity through this forum to contribute to the Union Government debate. The AU has also emphasised the importance of consulting with the wider African public and the Diaspora on the issue of the Union Government (African Union 2007b). This is an important commitment, because civil society activists have always argued that an African Union Government is a pipe dream without the foundations for genuine African citizenship being laid, specifically the free movement of Africans across the continent without the hindrance of visa restrictions.

The injunction left us by the great pan-Africanist Kwame Nkrumah is still valid: 'Africa must Unite, or disintegrate individually' (Nkrumah 1963). The debates at the summit in Accra sought to capture this spirit. Efforts to lay the foundation for a Union Government can be viewed as the latest incarnation of an attempt to institutionalise pan-Africanism. It is therefore appropriate to question whether the African Union Government project will be built on a solid enough foundation to realise the aspirations of pan-Africanism and improve the well-being of Africans on the continent and in the Diaspora.

Methodology

Qualitative research methods were employed in gathering material for this book and primary and secondary research documentation was used, including books, journal articles, monographs and commentaries from the AU, its officials and government representatives. A diverse group of pan-African researchers, policymakers, diplomats, academics and civil society representatives were commissioned to draft papers on the themes outlined above.

Content and structure of the book

The commissioned papers and discussions in this book address the proposals and recommendations stipulated in the Accra Declaration (African Union 2007c). This involves identifying the areas on which African countries, RECs and the AU should focus in order to lay the foundation for the formation of the Union Government. The book also assesses the performance of the AU and its organs and RECs in the integration process at regional and continental levels and explores alternative mechanisms for financing the Union Government programme and projects.

The book furthermore assesses the potential structure and functions of the proposed Union Government and proposes the type of relationship that it should have with regional and national structures. It then examines strategies for galvanising support from African citizens across the continent as well as in the Diaspora and explores mechanisms for mainstreaming gender in the policy debates leading to the formation of the Union Government. This book will ultimately contribute towards the policy debates related to the Union Government initiative launched by the Accra Summit.

The book is divided into three parts, with the different sections:

1. providing a conceptual framework for a Union Government for Africa

2. engaging with the Accra Declaration, and

3. identifying innovative strategies for fostering an African Union Government

This introduction contextualises the debate and outlines the contents of the book.

Part one of the book includes a chapter written by Admore Kambudzi, an AU official of Zimbabwean origin, who discusses his views on the transition towards a single government for Africa. This is followed by a chapter in which distinguished Ethiopian academic Kinfe Abraham, who passed away in November 2007, assesses the challenges of accelerating economic and political integration.

Part two of the book engages directly with the Accra Declaration and its contents. The French analyst Delphine Lecoutre provides her assessment of the proceedings of the Accra Summit of July 2007. The Senegalese academic

Ismail Fall debates the potential relationship between a Union Government and national governments. The Ghanaian analyst Marilyn Aniwa assesses the role of RECs in the implementation of the Abuja Treaty, while the Kenyan analyst Irungu Houghton examines the domains of competence of an African Union Government. The Ghanaian scholar and activist Emmanuel Akwetey identifies additional sources of financing for the activities of a Union Government and the Egyptian analyst Hakima Abbas explores the role of the Diaspora in forging a Union Government for Africa. Civil society and gender issues are discussed by the Togolese analyst Désiré Assogbavi and the Nigerian Roselynn Musa respectively.

Part three then assesses some innovative ways in which a Union Government can be developed. The distinguished Tanzanian diplomat Msuya Mangachi explores the ways in which the AU's specialised technical committees (STCs) can be used to foster an African Union Government. The Cameroonian researcher Chrysantus Ayangafac discusses how the management of natural resources can provide a basis for forging deeper African unity. The Cameroonian academic and activist Maurice Tadadjeu proposes ten hypotheses that an African Union Government constitution should include. The conclusion by Kenyan researcher Timothy Murithi will briefly assess the prospects of the Union Government going forward.

Conclusion

This book will contribute towards advancing the debate on the advantages and disadvantages of forming a Union Government for Africa. It will influence policy options that could be relevant to the establishment of a Union Government. Ultimately, the book will provide a theoretical context for the debates on a Union Government, raise awareness of the need for a Union Government, assess the level of engagement of national, regional and continental actors with regard to the establishment of a Union Government, identify key issues and factors that will accelerate or hinder the move towards a Union Government for Africa, and stimulate further debate on Africa's continental integration.

Notes

1. These papers can be accessed and downloaded from www.issafrica.org. Click on 'Publications' and then 'Papers'.
2. Furthermore, the summit recognised the importance of strengthening the Commission in order to enable it to undertake its responsibilities effectively.

Ultimately, the Accra Summit concluded by establishing a ministerial committee to examine the issues pertaining to the formation of the Union Government.

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A CONCEPTUAL FRAMEWORK FOR A UNION GOVERNMENT FOR AFRICA

PORTRAYAL OF A POSSIBLE PATH TO A SINGLE GOVERNMENT FOR AFRICA

Admore Mupoki Kambudzi

Introduction

The more tolerant debate and diversity of opinion there is on the issue of a single government for Africa, which could be in the form of a 'Union Government', and on how to bring about effective integration on the continent, the more progress and sustainability there would be in the whole enterprise of transforming the livelihood and well-being of Africa (African Union 2007). Yet, when thinking about both a Union Government and integration, there is a risk of getting trapped in intellectual schools of thought and opposing discourse: gradual-unionists versus radical-unionists, regionalists versus continentalists and neutralists versus all others. All that, however, is not the real issue. The real issue is to make breakthroughs to new thinking that may guide Africa in facing current and future challenges, both continentally and globally. Perhaps our debate on integration and Union Government should be inspired more by the ethos of the artist: an artist works by converting an existing object into a showpiece of reflective imagery, or by bringing an imaginary situation into a state closer to reality. Also, one has to keep in mind that no political system is built to last for eternity. Each political system is designed for a specific socio-political climate and it must essentially deliver the best with respect to the expectations of the existing generations and impending posterities. This, then, is the setting in which reflections on how to forge ahead with integration and how to move forward towards a Union Government could proceed fruitfully.

Inspired by the artist's ethos of creativity and the quest for political systems that deliver on time, this contribution seeks to portray a path that Africa could possibly follow towards its integration and the formation of a single government for the continent. In an effort to avoid an overly academic debate and to harness new thinking there is little reference to existing literature on the issues discussed.

The conceptual separation of the big issues

Union Government, as debated at the AU Summit held in Accra, Ghana, in July 2007, is a renewed effort to give practical effect to the vision of some of

Africa's leading political thinkers and nationalist leaders, especially Kwame Nkrumah's notion of a federation or United States of Africa (Nkrumah 1963). The notion relates to partial or complete relocation of political power and authority from national governments of the current African states to other somewhat supranational or collective entities. Although not desirable, the process of establishing a Union Government for Africa could take place independently of voluntary economic integration among the African states. 'Integration', as debated and attempted in Africa since the 1960s, generally concerns the harmonisation and consolidation of national economies into larger economic resource bases and larger markets. The movement of capital, labour, technology, products and services, coupled with common policymaking and action, will become the norm of those larger markets. Integration has its origin in David Mitrany's 'theory of functionalism', which evolved after World War I (Mitrany 1976). Western Europe, from the former European Economic Community to the current European Union, has showcased David Mitrany's theory. The theory was essentially designed to shape a route to lasting peace, stability, prosperity and confidence among Western European countries.

Economic and political integration should be informed by a combination of cumulative sectoral success and anti-retrogression check benchmarks. For example, African countries could look at the quality of engineers/technicians and planners churned out by the educational process and the quantitative and qualitative level of agricultural output. A well-fed population and well-forged planners, managers and engineers could together create a formula for major economic forward movement in Africa.

Union Government and its possible establishment should not necessarily be seen as essential to economic integration. Each could be a means for achieving the other. This is the essence of the relationship between the prospective process of setting up a Union Government for Africa and the economic integration of the continent.

A fresh rallying point to bring Africa together around grand agendas?

What rallying point could there be on the continent today? The agendas of both integration and the setting up of a Union Government need to be underpinned by an overriding mobilising idea. The attainment of independence from colonial rule was the rallying point for the African struggles between 1945 and 1994, year of the demise of apartheid in South Africa. The momentum that emanated from this rallying point imposed unity upon the Africans during their struggle for independence.

Colonialism in its classical sense is now over in Africa. The continent is ready to face the tasks of psychological, cultural, political and economic development and integration. These aspects round out integration efforts in Africa, especially when one takes into account the shock impact of colonialism on the continent and its peoples. Colonial rule had a strong inbuilt psychological, cultural, political and economic distortion, the legacy of which remains evident on the continent. Franz Fanon's notion of 'mental decolonisation' reflects some aspects of that distortion, its effects and what needs to be done to reverse them (Fanon 1961).

Today, many Africans would ask what rallying point there is for the tasks of political and economic integration, aside from the fact that African leaders adopted the Abuja Treaty in 1991 and the Declaration on Union Government in 2007 (African Union 2007). This question could be answered simply by stating that every African would do anything to preserve their self-recovered freedom for the fulfilment and dignity of the current African generation and future African posterities. Thus, the raison d'être of political and economic integration is to preserve and enhance this self-recovered freedom to achieve intellectual, spiritual and material self/collective fulfilment and dignity. Such an effort should definitely be the rallying point among the Africans for integration and for setting up a stronger continental political arrangement.

Confronting truth and reality

There are some realities in Africa that nobody on the continent committed to its progress can wish away. The acceptance of those realities determines the extent to which and the pace at which integration can take place in Africa. The following are some of these realities:

a. The overall success and strength of Africa at home and abroad will not necessarily be created by all the countries on the continent in concert. Rather, this success and strength will come through those countries that are able to leap forward in technical innovation and economic growth, allied with substantial demography. It is the effect of that innovation and economic growth that would spill over to the rest of the continent and render it stronger.

b. Education in Africa still lags behind in nurturing scientific research, design and development. Throughout Africa, education needs vigorous reorientation in order to make it more productive in terms of forging the planners, engineers, technicians, managers and other manpower

necessary to achieve economic forward leaps on the continent. India, which became independent in 1947 under comparable conditions to African countries that achieved independence a decade or so later, has an educational system that delivers in this sense.

c.   Integration is lacking at national level. It is not simply roads, railways and telephone lines between a few big towns in a country that account for effective economic or political integration at national level. If this were the best approach to integration, the colonial system would have produced an integrated Africa prior to the independence of the colonies, using the infrastructural links between selected towns and with selected seaports. Colonial powers did not integrate the countries internally, but did link the colonies to their metropolitan centres. In fact, effective integration at national level requires the growth of transport and communication networks, energy and water supply networks and production systems and facilities within neighbourhoods (human settlements), and the provision of essential social infrastructures. In many African countries the syndrome of non-integration is self-evident. The fact is that when neighbourhoods are endowed with necessary infrastructure, the net effect is a breathing of growth energy into the entire country. Non-integration at a national level inhibits inter-country/inter-state integration and, by extension, it is inimical to regional and continental integration.

d.   The urban-rural gap persists. This issue may seem to be a repetition of that of non-integration at the national level, but is in fact a problem in its own right. Africa's urban sectors are relatively more endowed and enlightened – even though some of them face the inconveniences of poor planning, inadequate provision of infrastructure, poverty related to overcrowding of the population over a small economic base, dumping of foreign produce, air pollution and other problems. In contrast, rural sectors, which are the backbone of African economies, are ignored in the developmental and modernisation drive. This urban-rural gap has a negative effect on integration. It is not possible to claim that future policies of integration will close this gap. There has to be a deliberate policy of investment in rural sectors to push them to catch up. Proper planning is needed to make rural sectors active stakeholders in integration.

e.   Existing infrastructure is allowed to deteriorate. There is a gap in the administrative cultures and practices in Africa that allows for the runaway deterioration of operational infrastructure. This takes place in various domains: deterioration of water supply lines and networks,

roads, telephone facilities and buildings (including schools and hospitals) and equipment. This does not augur well for raising and maintaining standards, let alone keeping maintenance costs affordable.

f.   Politico-psychological non-integration remains an obstacle in Africa. Yet Africa is lucky: as the place of origin of humankind, it taught the world many lessons. Today, as a continent that is lagging behind, Africa has many good and bad lessons to learn from. The continent should choose the good lessons and make use of them. Take an ordinary aspect like language: Africa is rich in indigenous languages, a significant number of which have attained lingua franca status. However, more work needs to be done to enable some of them to become scientific lingua franca in those parts of the continent where they prevail. Also, the continent has inherited four colonial languages (English, French, Portuguese and Spanish). The four languages are still sources of separation and parallel linguistic and educational identities in different parts of Africa. They are not facilitators of intra-African cohesion with respect to the internalisation of common values, going beyond simple mouthing of those values. Africa needs to make a decisive choice in order to reduce the divisive effect of and hence the burden associated with these colonial languages. Integration requires the advancement of human resources, which itself demands advancement in scientific and technological capacity and delivery. To achieve this, it is only reasonable that Africa should choose to use the most scientifically and technologically advanced of these four colonial languages in its present situation. If in time Zulu or Swahili or Fulani, to mention just a few, became sufficiently advanced in terms of scientific and technological expression, it would be quite natural for Africa to choose to use one of them as the communicative and scientific lingua franca. The reality, however, is that for the time being the English language occupies the commanding heights of scientific and technological development in our universe.

g.   The convention of a linear chronological timeframe is quite irrelevant to the success of African integration, whether political or economic or both in tandem. This is simply because some of the parameters for achieving the main targets by the deadlines that have been set have not yet been established. So, rather than setting unrealistic deadlines, Africa should decide on a system of anti-retrogression benchmarks and each country should make a commitment to ensuring that, over a period of say five or ten years, none of the old nor newly-acquired human, material and economic capacities and infrastructure will degrade. From there, the countries graduate to new heights to acquire, enhance and

consolidate new capacities and infrastructure. For instance, the rate at which African countries are able to transform the rural countryside from being a custodian of backwardness into a modernising space, without retrogression, may be one of the most reliable benchmarks for measuring the progress of integration in Africa. As a reminder, it is not by pure chance that China and India have made rural development and modernisation top national priorities. This is one way for them to measure confidently how fast the entire country is moving ahead to new heights of human capacity and material production, as well as towards improvement in standards of living. One could say that to transform Africa into a better living place is synonymous with rural transformation and development.

h.   National sovereignty is very closely guarded. Many observers have noted that the process of setting up a Union Government would have to take account of the African states' fierce protection of their national sovereignty. These observers assert that African states would not easily yield their sovereign powers to a different, let alone a new, political centre. While this is a reality, very little has been said about why it is so and how such a problem could be overcome. In later sections, this paper attempts to explain how resistance to giving up sovereign powers could be managed for positive change. The following are the main issues related to the national authorities' fervent retention of sovereign authority:

•   Nation-building remains incomplete in many African countries, with a low level of national cohesion. Agendas driven by ethnic, clan, religious and other self-seeking groups thus often come into conflict with the state's own agenda, and so the political leadership is compelled by the situation to consolidate sovereignty, rather than yield part or all of it.

•   A high level of parliamentary accountability in some countries and a low level in others makes it difficult to expedite decision-making, especially when those decisions have an impact on sovereignty. In cases where parliament has a high level of accountability leaders will not commit their countries to yield sovereignty without public sanction at home. In contrast, where parliamentary accountability is low leaders may easily subscribe to quick decisions impacting on sovereignty, but the challenge remains to convince the home constituencies that such decisions are to their advantage.

•   In situations where democratic and electoral systems have not developed enough to allow for more open political debate and necessary periodic change of leadership, it is always difficult to

reach an overriding conviction that one decision or another is right. There is always an element of uncertainty that makes people uneasy about tampering with sovereignty.

• Where militaries are confronted by incomplete nation-building, ethnic and religious rivalries interfere with the process of establishing a professional national army. This in turn affects the integrity of the state. In such a situation, political leadership is compelled to consolidate the army, however composed, in order to safeguard the interests of the state vis-à-vis the potential of destabilisation from within and from beyond its borders. To consider yielding sovereignty in such circumstances remains a remote option.

African Union – a central building block for Union Government

No social integration (the bringing together of actors, inputs, processes and outputs in the human society) is ever accomplished all at once. The reason for this is that some aspects of integration act to bring about movement in other aspects and, indeed, on the whole process of integration. By its very nature, integration is a cumulative process and not spontaneous.

The African Union has undoubtedly made tangible gains since its launching in Durban, South Africa, in July 2002, as amply evidenced by the establishment of the organs of the Union, such as the Peace and Security Council (PSC), the Pan-African Parliament (PAP) and others. The headway made by the AU in fact falls within the framework of a long-cherished vision – dating back to the first pan-African congresses of the 1920s – of a freer, united and strong Africa.

However, it would have been preferable for the African Union to start life with both fewer sectors of action and fewer start-up organs and institutions. There is no doubt that the multiplication, or indeed proliferation, of organs often brings with it suffocating financial burdens with disproportionately low returns to the taxpayers. The ideal would have been to start with a limited number of sectors in which, owing to common technical dynamics and multiplier benefits, African states would naturally find themselves able to interweave policies and action, regardless of sovereign attachments and nation-building egos. Examples might include agriculture and rural development; the establishment of physical, social and productive infrastructure; health; education; and the environment. In these sectors, African states can more easily and more quickly provide, standardise and upgrade common policies and practices with tangible benefits for

the grassroots population (the real engine and beneficiary of successful integration).

Furthermore, it should be borne in mind that there is a culture of conservatism when it comes to the issue of sovereignty. This conservatism affects the pace at which the Union moves ahead to achieve tasks. The attachment to sovereignty is based on an assumption, if not a fear, that putting in place arrangements that would take away national sovereignty might expose Africa to chaos and disintegration if such arrangements fail to work. Some would be quick to point to the debacle of the East African Community integration arrangements in 1967 and their long-lasting consequences as an experience not to be repeated.

The feasibility of a road map for the eventual establishment of a Union Government for Africa

The fact is that the idea of a Union Government for Africa represents a sound vision for the future, but that at present certain conditions are still not right for its realisation. For this and other practical reasons, there must be a phased progression towards the establishment of a Union Government, to allow time for fostering propitious conditions. This phasing is not the same thing as setting targets and deadlines. The phases are general time orientations for certain things to happen or for them to be ascertained not to have happened. The launch and conclusion of each phase should be informed by gains made, problems encountered and the prevailing situation and mood on the continent at the time, which would determine the way forward.

Phased progression will create the space for measuring the extent to which the activities of Regional Economic Communities (RECs) would contribute to or inhibit progress towards a Union Government. At present, it is not clear enough whether an REC that attained the status of a regional economic and political union (or federation) would ossify itself parallel to the efforts to set up a Union Government. Some Africans fear that giving free rein to the RECs would undermine the momentum for continental economic and political integration. Others feel that if the efforts of one or two RECs culminated in a regional union, this would constitute an asset for continental integration. There is no clarity on either of these positions, hence the need to work in phases.

Some proposals for the phases of progression towards a Union Government, based on the assumption that economic integration will create further progress, are made below.

Phase I – Reviewing and strengthening the institutional arrangement of the AU and fostering a strong business culture

This phase could extend over up to ten years, starting from 2008, with the overall objective of fully establishing the institutional architecture of the AU and providing the necessary means needed for effective performance. Achieving this objective requires a number of major and subsidiary tasks to be undertaken:

a.   *Major tasks*
- Evaluating the work already accomplished by the AU since its operationalisation in Durban in July 2002. Among other things, this should identify the gains made thus far, the constraints encountered, their origin and the gaps that remain to be filled. Such evaluation should cover aspects relating to the rationalisation of organs on the basis of least cost and optimal benefit to the African peoples. If this requires the downsizing of the institutional set-up, then that should be done
- Harmonising the intents and provisions of the Abuja Treaty with those of the Constitutive Act of the AU, to provide a clear route towards a cultural, political and economic union (federation or confederation) of African states or nations
- Identifying and redistributing tasks that have a wider integrative effect between the AU, the RECs and the member states on the basis of comparative delivery advantage and the enabling conditions of each level
- Creating an enabling environment for and fostering private sector business as an engine of technical innovation and economic growth

b.   *Complementary tasks*
The pursuit of the major tasks set out above should be accompanied by the undertaking of some complementary tasks, as follows:
- Strengthening the organs of the Union with regard to manpower, financial and technical capacities
- Operationalising the continental peace and security architecture in all its aspects (African Standby Force, Continental Early Warning System, Panel of the Wise, Special Fund, methods of work of the PSC, PSC/civil society relations, post-conflict reconstruction and peace-building), as well as implementing the instruments, treaties and protocols relating to issues of terrorism, landmines, child soldiers and the environment
- Improving political and economic governance

- Integrating the New Partnership for Africa's Development (NEPAD) into the AU institutional arrangement
- Rationalising the RECS, including adjusting their working relations with the AU
- launching a major drive to mobilise financial, technical and logistical resources for the tasks of the Union from within the continent, using a number of measures such as special tariffs on transport facilities (roads, airports, inland waterways and seaports) and sporting facilities
- Incorporating the inputs and energies of non-state actors into the construction of the Union

Phase I would conclude with the articulation of an African constitutional framework for a Union Government. In this regard, a major task would be the identification of building-block sectors to which power and authority could be devolved. The constitutional framework need not be rushed to referenda or other sanctioning processes. It would be good for the framework to stay in place for quite some time, without the obligation of ratification, for scrutiny by the African peoples.

Phase II – Forging stronger continental institutions and processes and building confidence

Phase II, which could also take about ten years, should spring from the gains and lessons of Phase I, especially concerning the strengthening of AU institutions and the advancement of common policy and action in less controversial harmonisable sectors. During Phase II, the first steps should be taken towards implementing an express devolution of authority, in a selective manner, to those institutions whose mandates closely hinge on the wider continental integration agenda. Organs or institutions whose mandates repose in such sectors as health, education, agriculture, environment, science and technology and peace and security could be among the earliest recipients of devolved authority. At the same time, efforts should be made to promote a unity of purpose and an ethos of common destiny, as well as to create conditions conducive to elevating psychological, cultural, political and economic integration of the continent. It is here that the rallying point of preserving and enhancing the self-recovered freedom and dignity of the Africans would play a major role.

Similarly, the process of building towards an ultimate union should be pegged on incremental confidence-building among the AU, RECs and the member states, with sufficient safety nets being put in place as insurance

against unforeseen situations, including incidental disruptions within or beyond Africa, that could have an impact on Africa, risking a slowdown or disintegration in the process of building a union.

Phase II would conclude with the convening of a continental convention inter alia to review progress made, give new direction and lay the foundation for the establishment of a wide range of supranational institutions. The African Union, as a central building block for integration, is a union of independent sovereign states. The issue of national sovereignty must be addressed during this phase within the context of a transition towards a stage of supranationalism. For the most part, this is a question of finding a more accommodating and constructive political formula that will reassure all stakeholders and adequately underpin the establishment of a Union Government.

Since independence, Africa has generally known centralised political systems. At the end of the cold war, in July 1990, the UN issued the 'Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World'. At that time centralised one-party political systems were collapsing, giving rise to both loosely and closely centralised political systems throughout the continent. Both systems still have their proponents in many countries.

To prepare national authorities for sharing sovereign authority with a new political superstructure in Africa, there needs to be a well-considered system of advantages, benefits, safeguards and assurances between the national authorities, no matter how strong or residual they may be, and any new superstructure. Two options from which Africa would choose come to mind: federalism and confederalism.

There is no need to dwell too much on federalism. Many have seen this system at work, especially in the United States. The system operates on the basis of federal units (managing those local and state affairs closest to the needs of the citizens, organisations and corporate entities) and a federal centre that oversees broader national interests with respect to domestic and foreign policy and the provision of support in large-scale emergencies, as well as programmes of national scientific research, design and development. The effectiveness of American federalism, which ultimately aims to satisfy the needs of the citizenry, lies in the overarching balance of sectors of control and management between the federal units and the federal centre.

There is less experience globally with confederalism, a concept that still has to be tested in practice. Confederalism may be difficult to construct

on the ground. One reason is that there is only a thin layer of difference, though a very important one, from federalism. Another reason is that to build a confederation you have to pass through most of the federalist route. Confederalism is very different from political centralism, which is a more common political system. However, all these systems have one thing in common – the aspiration for the people, and not mere individuals, to be the real sovereign. The alternative is to go for sovereignty of 'reason' (the high or deep sense of separating right from wrong and going for what is right).

For Africa, a well-designed confederal approach may be an effective way to manage national sovereignty in relation to a major political transition such as the one envisaged in setting up a Union Government. The continent has large-scale diversities, from historical, cultural and linguistic to ethnic, racial, religious and economic ones. The experience in Africa since independence has been that, rather than acting as a source of collective strength for the continent, these diversities have contributed – and still do – more stress, fracture and violence in society than unifying effects and convergence of opinion and conviction. This signifies that a rush into federalism would face the risk of the various contending forces working at cross-purposes with the federal arrangement, as each would seek space for self-manifestation and self-expression brought from the past. It also means that if this became the main consideration, or a source of fear, then the current centralised national political systems would be seen as durably valuable for the continent.

One could imagine the advantages of confederalism vis-à-vis Africa's past and present reality, in terms of how to tame and manage existing diversities for unity and convergence around a grand continental and economic-political enterprise:

• Wider accommodation of diverse interests and practices

• Consultation on decision-making among the confederal units and between them and the confederal superstructure

• Flexibility given to confederal units to withdraw or harmonise more among themselves and with the confederal arrangement

• Clear allocation of areas of control and management between confederal units and the confederal superstructure

• Preservation of peculiar cultures

- Retention of the people's sovereignty (when people are truly sovereign and not just a group of individuals, solidarity within a political system is much easier to mobilise)

A confederal approach may offer the most appropriate political formula for Africa's future. A federal approach would be second best but, if followed, would most likely be unsuccessful in neutralising the many competing forces on the continent. Africa does not have the conditions that propelled the American colonies into a federation in 1776. Even that federalisation left many unresolved issues: slavery, incidence of injustice, civil equality, civil rights, racial equality, etc., some of which are still a matter of concern in the United States today. What makes American federalism a source of pride for the Americans, and of envy to others, is the high degree of cohesion, the technical, scientific and technological advancement and the economic success that has been realised under that arrangement.

Phase III – Establishing supranational institutions

Phase III would start at the end of the 20 years of Phases I and II, and should last long enough for a culture of supranationalism to be forged. The underlying principle for the pursuit of the third phase, which could begin around the time of the maturation point provided in the Abuja Treaty for the realisation of an African economic community (2025), would be the need for each independent and sovereign African state effectively to cede aspects of its sovereign essence to the collective/continental sovereign political and economic superstructure, which could assume the form of a federation or confederation of African states or nations, and the need for that superstructure to develop its technical competence in the operative sectors.

Phase III would aim to enhance the conditions for effective establishment of supranational institutions on the continent in various sectors, building on experience and reinforcing those sectors capable of engendering greater common benefits for the African population/grassroots communities on a large scale. Some of the initial steps that could be taken to foster a stronger supranational arrangement could include the setting up (or consolidation if Phase II had initiated the process) of the following continental agencies:

- Africa Infrastructure Development Agency (AIDA), to oversee studies, mapping, planning and implementation of standard physical infrastructure (roads, railways, internal waterways, tunnels, telecommunications, dry/

inland ports, etc.) and strategic research and development centres on the continent

- Africa Natural Resources Agency (ANRA), with a mandate to provide and implement a continental regulatory framework governing the exploitation and transformation of Africa's natural resources. The agency would aim to use natural resources effectively and properly for the benefit of African peoples, augment their posterity and stop the exploitation of natural resources to fuel conflicts and to curb the externalisation of benefits beyond Africa before Africans receive their rightful share of them

- Africa Environmental Agency (AEA), with a cross-cutting mandate on issues of climate change and remedial action, afforestation and re-afforestation, preservation and sound cultivation of wetlands, anti-desertification projects and de-siltation of rivers, proper utilisation of arable hillsides and control of surface and coastal erosion

- Africa Health Organisation (AHO), with a mandate to undertake preventive programmes and to support fundamental research and development of pharmaceutical products targeted at fighting infectious diseases and pandemics. The agency would not duplicate the functions of the World Health Organisation, but rather collaborate with it while focusing on African health needs

- Africa Space Agency (ASA), to undertake scientific research and the development of technology relating to outer space. The agency would draw together Africa's leading spatial scientists

Continental institutions of this type, which should be developed on an incremental basis, would form the nucleus of Africa's future political and economic superstructure. The advantage of these organisations, if properly guided, is that they would bring benefits to African peoples, thereby raising common conviction and trust in collective, supranational institutions.

At the same time an African constitution, once elaborated to provide for jurisdiction of the continental organs and institutions and the rights and obligations of residual national authorities and African citizens, must be subjected to a referendum. If confirmed by the people, from that point onward common continental organs and institutions would shoulder the task of running the common affairs of the continent. This could be the highest point in the realisation of the long-held vision of a united Africa. If it is to endure, the sovereign principle for guiding such a government would be the

preservation and enhancement of the self-recovered freedom and dignity of each African, as well as the advancement of the material and spiritual interests of the African peoples.

Conclusion

The effective integration of Africa at the regional and continental levels will depend on the success with which the current independent sovereign African states execute the enormous tasks of transforming and modernising the countryside, closing the urban-rural gap and reorienting education more towards science and technology. An appropriate constitutional and political formula also needs to be established and referred to the people, in order to give effect to a Union Government. These are the four main tasks that the Africans need to carry out properly on the path towards achieving a Union Government on a strong, integrated continent.

Note

1. The views expressed in this chapter are those of the author and do not necessarily reflect the views of the African Union or any of its institutions.

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THE CHALLENGES OF ACCELERATING ECONOMIC AND POLITICAL INTEGRATION IN THE FORMATION OF A UNION GOVERNMENT

Kinfe Abraham

Introduction: Background to the African integration experience

Political liberation in Africa was the harbinger of economic integration and union, which found eloquent articulation in the late 1950s with the emergence of Ghana as the first black independent state in sub-Saharan Africa in 1957. The atmosphere for the radical parlance of political and economic freedom was then set to continue for at least the next decade (Abraham 1999:13-26).

Three key pan-African conferences held at the turn of the 1950s were particularly unequivocal in their advocacy of freeing Africa in an all-round sense. The first two conferences were held in April 1957 and June 1960 respectively. They strongly urged the newly independent African states to accept economic cooperation as the basis of economic transformation.

The third conference was held in the Ethiopian capital, Addis Ababa, in May 1963. This summit inaugurated the Organisation of African Unity (OAU), which incorporated economic cooperation as one of the principal objectives of the organisation.

The above principle of economic integration was endorsed at the summits in 1970, 1973, 1977 and 1979, when detailed guidelines were formulated. This paved the way for the ultimate goal of forming an African Economic Community in five successive stages (Abraham 1999):

1. Preferential trade area
2. Free trade area
3. Customs union
4. Common market
5. Economic community

The integration experiment began at subregional level in West Africa, East and Southern Africa, Central Africa and North Africa. These efforts culminated in the Lagos Plan of Action of April 1980, which incorporated all the implementation guidelines of the 1970s.

The outcome of the above was that all the African countries agreed to establish subregional economic blocs with the ultimate aim of establishing an African Economic Union by the year 2000. But this ambitious plan had to be postponed owing to a number of unforeseen delays in the implementation process (Abraham 1999:13-26).

One of the most serious hurdles to the goal of subregional and eventual continental economic integration was the multi-purpose nature of the economic units formed in the post-colonial period. There were an estimated 100 organisations that defied easy classification and grouping, not to speak of harmonisation. These organisations ran the gamut from continental organisations such as the OAU and the Economic Commission for Africa (ECA) to regional and ultra-subregional entities. Nevertheless, in this chapter, which aims to address the issue of economic integration in Africa in a broad sense, we shall restrict our discussion to the larger subregional integration efforts and their successes and failures (Abraham 1999:13-26).

As noted above, while authentic African integration efforts belong to the post-colonial period, there were similar organisations in Africa in the pre-independence period. However, the pre-independence organisations created by the colonising powers were meant to serve their interests. Hence, restructuring of these set-ups, in some cases fundamentally, was necessary. This was important to ensure their relevance to the post-independence economic, social and political realities (Abraham 1999:13–26).

The rest of this chapter will examine the excruciating demands of adjustment that these institutions faced as they struggled to attain maturity as institutions of integration. It will also look at their record of success and failure and the political, economic, technical and administrative hurdles that they face and suggest some remedies for the way forward.

Early challenges to African political integration

The greatest challenge to Africa occurred in 1960, the year of African liberation. That year, which saw the emergence of 13 francophone African sovereign states, was the year when African integration and unity were rigorously put to the test. A split threatened members of the government groups represented by the Conference of Independent African States (CIAS) and the dependent states represented by the All-African Peoples'

Conference. At this congress, which was held in January 1960, Africa began to show genuine signs of fissure with loud ideological overtones. The radical states, spearheaded by Ghana, advocated an African political union, while the moderates, led by Nigeria, went against it. This conflict was exacerbated by other differences pertaining to foreign policy and the affiliation of the African trade unions. Ghana, Guinea and Mali pressed for an African trade union without international affiliation, while the moderate states, including Tunisia, Nigeria and the East African states, wanted to maintain the old links with the West. The fear of the radical states was that imperialism would compromise political integration through the labour movement. For the moderate states on the other hand foreign intervention, particularly from the West, was seen as a redeeming force in the face of the mounting threat posed by the radical states whose commitment to the idea of political integration was unwavering. There was also suspicion of left-wing infiltration (Abraham 1995:83).

The issue of unity and the divisive role of the foreign actors in African politics became even more obvious with the explosion of the Congolese crisis. Two weeks after the Congo gained its independence in 1960 Africa was lumbered with an international crisis with major ramifications. The euphoria and festivity of independence gave way to pathos and disillusionment as the Congolese government found itself in a deep crisis. Sections of the army mutinied owing to low pay and poor conditions of service, for which the new government was largely unaccountable.

The crisis assumed alarming proportions, making the intervention of the Belgian government inevitable and lending it some justification. Soon after, Katanga declared its secession under Mouris Tshombe. Lumumba's appeal for UN military assistance fell on deaf ears as the Belgian government, which masterminded the secession with the help of its Western allies, effectively lobbied against his diplomatic efforts (Abraham 1995:83).

Opposition to Lumumba's radical nationalist temper and his pro-East affiliation in contrast to moderate or conservative figures like Kasavubu plunged the country into even deeper turmoil. By mid-August of 1960 Kasavubu revoked Lumumba's premiership. Lumumba responded in kind, rejecting Kasavubu's presidency. All these developments led to a state of anarchy. In addition, it split the African countries into rival camps of conflicting alliances supporting Lumumba, Kasavubu or Tshombe. The moderate states rallied behind Kasavubu, while the radical ones threw in their lot with Lumumba. To make matters worse a section of the army under Corporal Mobutu supported Kasavubu (Abraham 1995:83).

The schism between the Monrovia and Casablanca groups

Inevitably, the schism between the moderates and radicals, which threatened the spirit of African integration, permeated African organisations and the international forums. A group of countries met in Abidjan in October 1960 and formed the Brazzaville group. In response the radical states, including Ghana, Guinea and Mali, formed the Casablanca group, which was vehement in denouncing intervention and the petty regroupings that were antithetical to the spirit of African unity. While this bitter polemical feud was going on in Africa, at the UN the moderates won the day. The delegation led by Kasavubu took the Congolese seat at the UN. Soon after, Lumumba was assassinated under mysterious circumstances. This delivered another blow to the spirit of unity and solidarity among Africans that the radical states so valiantly tried to push forward, with a limited measure of success. Even the formation of the Monrovia group called by presidents Houphouet-Boigny of the Ivory Coast, Tubman of Liberia and Senghor of Senegal, which tried to harmonise relations among the belligerent groups, did not produce any result.

The failure of the Monrovia group, which was sponsored by Guinea, Mali, Nigeria and Togo, further reaffirmed the deep-seated division among the radical and moderate states that was consciously cultivated by the foreign protagonists in African political and economic life. Morocco boycotted the meeting on the pretext that Mauritania was also invited. The Casablanca group resented the fact that Algeria was not included on the agenda and withdrew. Finally, only the moderate sponsors of the conference like Nigeria, Ivory Coast, Liberia and Senegal remained. The Monrovia-Brazzaville group thus in the end remained identical in political temper and purpose. It should be recalled that in all these conflicts neither language nor racial affinity played a decisive role in the division that effectively split Africa. A more crucial element was in fact played the nationalist temper and ideological alignment of the leaders, which led to an identity of purpose or divergence among the contending groups.

Thus the OAU, which was born amid a welter of war and consensus, was largely a by-product of conflict and diversity rather than of racial and linguistic or religious identity or even proximity. The moderate African countries, which belonged to the Brazzaville-Monrovia group, were drawn from all parts of the continent, including North, East and West Africa. Apart from being speakers of divergent African languages, they belonged to both the francophone and anglophone worlds. The same was true of the Casablanca group, which brought together many black and Arab African states that were racially, religiously and linguistically different from one another.

Ironically, however, the greatest menace to the fraternity of nations was that posed by the conflicts that assailed countries bound by a common racial, linguistic and religious heritage. The Algeria-Morocco conflict is one such example. Unlike the Congolese crisis, this threatened to be the Achilles heel of African unity and was crucial for the organisational viability of the OAU, which rested squarely on its ability to solve problems within a strictly African context rather than bringing together nations of divergent racial, linguistic and religious affinity.

The early mediation challenges and achievements of the OAU

The Algeria-Morocco conflict that haunted Africa while the OAU charter was still being drafted, in the same way as the Congolese crisis did, had all the signs of foreign intervention. Russia and Egypt were on the Algerian side, while the US, France and Spain supported Morocco, giving the dispute a geopolitical dimension. This was ominous for the fragile fabric of unity, which was barely holding Africa together. It clearly underlined the necessity of intervention by the OAU, but the task of the OAU was made difficult by the failure of earlier attempts at mediation. The Arab North African countries of Tunisia, Egypt and Libya, despite their shared identity with the belligerents, were largely unacceptable as mediators to either side. Morocco rejected the good offices of President Habib Bourguiba because of Tunisia's early recognition of Mauritania. Similarly, Algeria's relations with Tunisia were sour because Bourguiba had earlier accused Algeria of harbouring a group that had plotted to assassinate him. Even the good offices of the charismatic Egyptian leader Nasser, who was a prolific figure in African and Middle Eastern politics, was rejected because of Egypt's early sympathy and support for Algeria. Libya, too, was rejected for the same reason. Here again identity had much less say than intervention.

It is again instructive to note that African leaders were required to mediate and seek resolution to the drawn-out conflict between the two North African Arab states. With the mediation of Emperor Haile Selassie of Ethiopia and President Modibo Keita of Mali, it was possible finally to bring the leaders of the belligerent nations to the conference table and a common agenda (Abraham 1995:85).

Thus it can be said that diversity had contributed in large measure to unity and harmony, while conflicts formed the basis for deliberations in efforts to move toward greater understanding and integration in African politics. Here it is refreshing to mention that, by being instrumental in bringing the Algerian

and Moroccan leaders to the conference table, the OAU had already made a historic breakthrough. It also brought Morocco into the fold of the OAU, thereby ending its isolation from the organisation. Earlier, Morocco had alienated itself through its espousal of the Casablanca cause and its boycott of the first summit because of the participation of Mauritania.

The resolution of the Algeria-Morocco and subsequent conflicts was crucial for the continued viability of the OAU both as an African mediating body and as an international organisation. But the greatest strength of the organisation derived from not so much the resolution of the conflict as the ability of the organisation to resolve the conflicts within a strictly African context and through the efforts of Africans themselves. This strength at once issued a warning signal against intervention and reaffirmed a degree of pan-African cohesiveness among the new nations. It was the source of the OAU's authority as a mediating organisation in other African conflicts fomented by external forces. Africa desperately needed such a psychological breakthrough to be counted as a factor in the international political arena and to put a brake on the ubiquitous interventionist manipulations that haunted it.

Intervention, coups and destabilisation as impediments to integration

The role of intervention was also evident in many spheres. Interventionist manipulation was promoted by the political leanings and temper of Africans who were regarded as hostile to the vested economic and strategic interests of the former colonial powers and the United States. This aspect of the problem is underlined by the assassination of Lumumba and the repeated attempts on the rule and life of Nasser, the overthrow of Nkrumah and Benbella and the attacks on Guinea's Sekou Toure, who successfully escaped various attempts by the CIA and French intelligence to end his regime.

Even opposition leaders who were suspected of harbouring hostile attitudes toward the West were not exempt. This is underlined by the assassination of Moroccan opposition leader Ben Barka in Paris in 1965 and the forced exile of Cameroonian leader Felix Mounie, which led to his assassination in Geneva in 1960. Both were a result of the murky clandestine operations of the French secret services. To this may be added open acts of intervention such as those of April 1977, May 1978 and the 1980s in Zaire and Chad and the action taken against the Polisario in November 1977, to mention a few.

Equally important, however, was the spate of military coups, including those in Zanzibar and Dahomey, the counter-coup in Gabon and the abortive

coups in the Ivory Coast and Senegal, all of which took place in the first five years of the OAU's existence, not to mention several subsequent attempts. These coups underlined the difficulties under which African leaders and an African organisation had to operate in order to ensure their survival by not rocking the boat of the status quo too much.

The early spate of coups was meant to send warning signals to those leaders who tried openly to take hostile positions considered antithetical to the interests of the West. It is not surprising, therefore, that the astute Julius Nyerere enlisted the support of the British and not that of the OAU to put down the growing mutinies in Tanganyika and restore order. By bringing the British into the conflict he was able to ensure their commitment to his cause. When Nyerere took this step he was certainly conscious of how his action would tarnish the image of the emergent organisation and that his move was bound to be seen as an affront to the spirit of African solidarity, particularly by the radical advocates of continental unity like Ghana. All the same, he took that step and tried to make amends later. The whole scenario emphasises the extreme sensitivity of the external actors in African politics (Abraham 1995:87-89).

Many more examples of conflicts among African states can be explained by the factors of intervention, Balkanisation and artificially-drawn boundaries that decapitated Africa's development potential. Some of these still defy resolution, e.g. the Ethiopia-Somalia, Somalia-Kenya, Ivory Coast-Ghana, Ghana-Upper Volta and Equatorial Guinea-Gabon conflicts, which stemmed from territorial disputes stimulated by Balkanisation. The others were the Rwanda-Burundi, Tanzania-Uganda, Ghana-Senegal and Ghana-Guinea conflicts, which were caused by acts of subversion against one another. To these were added the civil strife in Nigeria, the Sudan, Rwanda, Ethiopia, Eritrea, Uganda and Somalia.

Past African economic integration efforts

Economic integration among African nations has been tried in many regions of the continent. There were such economic organisations during the colonial period, although having been created by the colonial powers they were later restructured to ensure their relevance to the post-independence economic, social and political reality.

It was also necessary to formalise the economic and administrative relations that had operated in a rather informal and autocratic fashion under colonial

rule. Examples of the efforts that have been made by the independent African countries to promote meaningful economic cooperation, also through bodies that were restructured after independence, include the following:

- The former East African Community (EAC), which consisted of Kenya, Uganda and the United Republic of Tanzania

- The Economic Arid Customs Union of Central Africa, consisting of Cameroon, the Congo, the Central African Republic, Chad and Gabon

- The Mali Federation, comprising Burkina Faso, Dahomey, Mali and Senegal

- The division of the African region by the ECA into subregions for related efforts for more than two decades to promote economic cooperation in each subregion. Some of the results of ECA efforts include:
  - The Preferential Trade Area for Eastern and Southern African States (PTA), which has now become the Common Market for Eastern and Southern Africa (COMESA), the latter having been in the making since the mid-1960s
  - The Economic Community of West African States (ECOWAS), another economic bloc whose history dates back to the conferences of the early 1960s

- The Southern African Development Coordination Conference (SADCC), which has now become the Southern African Development Community (SADC), consisting of Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa, Mauritius, Swaziland, Tanzania, Zambia and Zimbabwe

Another regional bloc is the Inter-Governmental Authority on Drought and Desertification (IGADD), formed in 1986, which later became the Intergovernmental Authority on Development (IGAD) (Abraham 1995:90).

Apart from the above, sectoral initiatives such as the Niger River Commission were also established. Likewise, efforts were made through the creation of the Ghana-Upper Volta Customs Union in 1961 and the West African Free Trade Area involving Guinea, Côte d'Ivoire, Liberia and Sierra Leone in 1964. All of these had varying degrees of success (Abraham 1995:90).

Given the above, it is clear that the importance of economic cooperation leading to integration among African countries was realised early on.

However, the need for integration was also underlined by the size of the countries themselves. This, as indicated earlier, resulted from the process of Balkanisation by the colonial powers. It was also dictated by the new realities, which called and still call for the formation of larger economic groupings or blocs.

Other challenges to integration

Given the above, the most serious conflicts of post-colonial Africa derived from the overt and covert operations of the ex-colonial powers and their allies, which dreaded the prospects posed by the nightmare of African integration and eventual unity.

This worry was in the background long before the decolonisation process began in earnest. It had given rise to political and economic Balkanisation and the partitioning of the continent. But it was exacerbated by the growing momentum of decolonisation, which promoted intra-state cooperation among the newly independent nations and greater solidarity with those still struggling to achieve freedom. The former colonial powers and their allies were particularly disturbed by the broad consensus among Africans on the strategies of liberation and the proponents of continental unity under a federal structure, like Ghana under Nkrumah and Guinea under Sekou Toure (Abraham 1995:90).

Even the thought of loose economic and political integration, which did not have their blessing, was doomed to failure. This was why the contentious and elusive dream of a federal continental unity never got off the ground. It was even resented by the conservative African states, which were persuaded to take the opposite position by their ex-colonial powers and other allies. Besides, they were not too keen on the imposition of a supranational government over their newly-won independence and sovereignty. Seen against this backdrop, both the formation and survival of the OAU are marvels of political engineering and fitness.

The African experience of the last 45 years, therefore, has been one of a fight for independence, assertion of sovereignty beyond it and struggle for national prestige. Consequently, the new states have been embroiled in protracted domestic and external wars involving the loss of human lives, huge defence outlays and a good number of lost development opportunities. One need not flog the negative implications of the conflicts on Africa's potential for development, but there is no doubt that foreign intervention has always

been a factor behind it all. It is against this backdrop and with the sobering awareness of this history that the AU and NEPAD should embark upon the task of enhanced African economic and political integration and partnership with the industrialised world.

Conclusion: Current challenges to and opportunities for a Union Government for Africa

As noted in the introductory part of this paper, Nkrumah had struggled tirelessly to realise his vision of African unity even at the cost of his rule and life. His vision was predicated on the conviction that the newly independent countries needed to unite to liberate other African countries and lay the ground for their political and economic emancipation. He was also aware of the fact that a divided Africa would remain under domination and be easy prey to global capitalism.

Nkrumah's indefatigable efforts resulted in a coup that toppled him and sent him into exile until his death. Nevertheless, the dream and vision he espoused did not die with him.

Nkrumah's vision was in fact vindicated as Africa slid into a deeper crisis with a worsening external dependency that bordered on re-colonisation.

One vivid illustration of this is the founding of NEPAD in 2001 and the African Union (AU) in 2002 and the decision of the heads of state and government to move toward a United States of Africa by the year 2015.

Nevertheless, the road towards the realisation of the dream of continental unity is still paved with great hurdles and challenges. The current global system, characterised by the increasing militarisation of the neoliberal world, in particular presents overwhelming challenges to the African continent of the early 21st century. Africa also faces many other challenges as can be discerned below.

The African decision to move towards continental unity comes at a time when corporate-led globalisation has made Africa's entry into the global marketplace exceedingly difficult. This is a consequence of the acceleration of trade, financial liberalisation and the privatisation of national assets to the detriment of African states and the benefit of trans- and multinational corporations.

Trade liberalisation, combined with disguised and/or open protectionism and subsidies extended to agriculture by the rich and industrialised world, has resulted in the deterioration of terms of trade for sub-Saharan Africa. According to Christian Aid (2005), trade liberalisation alone has cost Africa more than $270 billion over a period of 20 years. One example of an African country that has suffered from loss of such revenue is Ghana, which lost an estimated $10 billion. This was the equivalent of the loss of revenue of a period of 18 months for Ghana.

The privatisation of state-owned enterprises and public services has also resulted in a massive transfer of financial resources from African states to foreign hands in the guise of Western trans- and multinational corporations. Coupled with the above, African debt has continued to mount, while external aid to Africa has been on the decline in real terms. This has intensified the domination of Africa by external powers. Further, more resources have been flowing out of Africa rather than into Africa, thereby exacerbating the continent's travail of underdevelopment.

Over the last 25 years or so Africa has been engaged in the establishment and strengthening of economic blocs in a bid to counter the effect of globalisation. Nevertheless, the subregional economic blocs have not attained the level of strength and competitiveness required to address Africa's economic woes. The strengthening and edification of Africa's subregional economic blocs will therefore remain a mammoth challenge before Africa can embark on the project of unification of the continent. In other words, the foundation for Africa's unification should be laid on a reliable bedrock before the walls of unification are erected. Of course, once the foundation is laid and the walls constructed, one can think of putting the roof on top. As one African leader put it, the house of continental unity can only be built when one starts with the foundation, then the walls and finally the roof, and not the other way round.

Hence the most serious challenge Africa still faces is the strengthening of the economic blocs in order to address the continent's economic integration, which will then become the basis of its political unity. Until Africa's economic liberation comes closer to reality, therefore, African unity is bound to remain a pipe dream.

There are also other factors that still militate against the notion of continental unity. One is the nationalism of the individual states, which are still conscious and jealous of their sovereignty. This makes it exceedingly difficulty to persuade the African leaders (some of whom are self-styled) to abandon their sovereignty in favour of African supranational unity.

Another impediment to the drive towards continental unity is the factor of external intervention, which still haunts the continent even today. The big powers are still anxious about the wide ramifications that continental unity might have. Their anxiety is exacerbated by the fact that Africa is home to various strategic mineral, energy and other natural resources. The concern about African continental unity is also heightened among the rich countries of the West by China's coming to Africa as a serious contender for markets and investment in Africa's strategic resources.

A serious hurdle to the project of continental unity is also the question of the readiness of Africans in the different countries of the continent to embrace continental unity by shaking off the cobwebs of nationalism in favour of supranational unity. Even members of the European Union that are politically and economically at a more advanced stage have not yet fully internalised the values and benefits of full European economic and political integration. It is also still difficult for them to arrive at a consensus on a unified European constitution.

To the above may be added the fact that there are fewer African civil society organisations (CSOs) and they are less actively engaged in the debate on continental unity. This is not to say that CSOs have not been engaged in the debate on continental government, but one should be aware of the significant role that these organisations and the private sector can play in the promotion and popularisation of the notion of a United States of Africa.

In point of fact, about 35 African and international CSOs were recently invited to participate in the first consultative dialogue with the Pan-African Parliament under the theme *Building effective mechanisms for civil society engagement with the pan-African and regional institution* (Southern Africa Trust 2007). While this is a good start, CSOs and the private sector should still be brought on board on a much larger scale in order to popularise the idea of establishing a continental government at grass-roots level. This will be of cardinal value if referenda are conducted in different African countries to determine the popular support for the project of a United States of Africa, as was done in some European Union countries such as Sweden.

One should also bear in mind that certain EU institutions are vested with various competencies to ensure effective functioning, and the same would be required of the African Union. Here one should note that the functioning and exercise of some of the powers of these institutions would entail a reduction of the power of the sovereign African states, as is the case with members of the European Union.

The effect of the above reduction of the power of the sovereign African states is that they would willingly forfeit the required amount of power necessary for the effective functioning of the institutions, for the realisation of the common good and interests of all African countries through the vehicles of the AU and NEPAD. In other words, the current consensus on the type of institutions that have been created to expedite the integration process should be enhanced and strengthened under the umbrella of the AU and NEPAD. This would result in a parallel structure of integration while the individual states maintain much of their sovereign identity and integrity at national level.

Furthermore, the problems of the continent and of the individual states that affect the efficiency and productivity of various sectors of the continent need to be addressed as urgently as possible in order for the countries that make up the AU to be ready for the process of economic and eventual political integration. The issues that need to be addressed urgently should include the development of social infrastructure, including education and health services; physical infrastructure, including construction of roads, railways, air links and related services; agricultural development and food security; and industrial development. To this should be added finding peaceful resolutions to African conflicts; strengthening the peace and security architecture of the continent; strengthening existing institutions and establishing new ones; keeping population growth in check; and expediting the overall socio-economic development of Africa.

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ENGAGING
WITH THE ACCRA
DECLARATION

REFLECTIONS ON THE 2007 ACCRA GRAND DEBATE ON A UNION GOVERNMENT FOR AFRICA

Delphine Lecoutre[1]

Introduction

The issue of the formation of a Union Government has been a priority item on the agenda of the AU since 2006. The 8th Ordinary Assembly of Heads of State and Government held in Addis Ababa, Ethiopia, in January 2007 decided to convene national consultations on the issue and hold a 'Grand Debate on the Union Government' at the 9th Ordinary Summit in Accra, Ghana, in July 2007. This 'grand debate' at the level of heads of state and government was expected to determine Africa's institutional future in terms of continental organisation (African Union 2007a). The debate was deemed necessary owing to the fact that African leaders only ever referred to studies conducted by the AU Commission and decisions taken previously without having had a frank discussion about the subject.

Since the Extraordinary Summit held in Sirte, Libya, on 9 September 1999 the ultimate objective of a 'United States of Africa' has been constantly reaffirmed. However, some divergences still linger as to how to attain this objective. As a matter of fact, member states have never agreed on the pace and modalities for the implementation of this unification project. In addition, up to now they have not established any precise timetable. Essentially, the traditionally-stated objectives concern the immediacy of its implementation and the necessary transfer of sovereignty by AU member states to the African Union (Lecoutre 2007).

Defining union maximalism, gradualism and scepticism

During the debate in Accra there were two major conflicting conceptions of the institutional future of the African continent. The 'maximalists' advocated the immediate creation of a Union Government. The 'gradualists' opted for a stage-by-stage process, with the first stage being the integration of regional economic communities (RECs) (Lecoutre 2007:2). The 'sceptics' group, positioned between the maximalist and gradualist camps, was made up of member states that had not yet taken a stance or those that

had decided where they stood but were not prepared to expose their position publicly.

The summit was well attended, with more heads of state and government present than at previous summits. Discussions were held around speeches and lengthy interventions by African leaders, which enabled each camp to gauge the strength of their constituencies.

The Grand Debate effectively took place. But what was its outcome? How can the discussions and their results be interpreted? The 'maximalists', 'gradualists' and 'sceptics' in fact each have their own interpretation of the contents of the discussions and their results.

This chapter will attempt to analyse the deliberations that took place in Accra by appraising the efforts of the maximalists, gradualists and sceptics. In addition, it will assess some of the speeches presented by the heads of state and government. The chapter will also explore the items in the Accra Declaration and examine its impact on the future conceptualisation and implementation of the Union Government.

One step backward or strategic withdrawal for the maximalists?

The maximalist camp, spearheaded by Senegal and Libya, arrived in Accra with the aim of making the summit decide to set up a Union Government immediately, even if this meant doing so with only a few countries (African Union 2005a, b, c, d, e; African Union 2006a, b, c; African Union 2007a, b). Following an informal meeting held on the sidelines of the summit, maximalists were bent on creating a Union Government with ministries in clearly determined sectors, namely defence, foreign affairs, transport and communication, health, the environment, scientific research, finance, education, energy, culture and economic and social integration. This group was prepared to forge ahead with its small number of adherents, leaving behind those who were reticent. However, the group entertained the possibility that those countries that were initially reluctant to join could do so subsequently on the basis of the adherence principle. They also agreed that during discussions they would take the floor after those who were ardently opposed to their project, because they did not want to be 'taken hostage' by the gradualists, as was the case during the conference that established the OAU in May 1963.

Indeed, this plan echoed the findings of the Extraordinary Summit held by the Community of Sahel-Saharan States (CEN-SAD)[2] on 2 and 3 June 2007.

During this meeting the Senegalese head of state, Abdoulaye Wade, suggested that given the reluctance on the part of some of the continent's leaders there was need for the formation of a two-tier pan-African organisation. He further suggested that the proponents of a Union Government should strive to set up African 'super-ministries' in about 12 areas (the sectors mentioned above). With the exception of foreign affairs, which would be based on the principle of subsidiarity, the coalescence of these 12 areas would generate a ripple effect and countries that would not have joined initially, attracted by the subsequent benefits of unification, would join later (Lecoutre 2007:12).

In the same vein, in an interview granted to journalists of Radio France Internationale (RFI) who were present in Accra, the Libyan Minister of African Affairs, Ali Triki, highlighted the need for Union Government ministers owing to the distinct lack of power inherent in the portfolios of the AU commissioners in the current Commission. In the absence of a strong AU Commission, there was a need to create a Union Government (Fall & Correau 2007).

In his intervention the Guinean Prime Minister, Lansana Kouyaté, advocated the immediate establishment of an African government by demonstrating the lack of effective and functional RECs, based on his personal analysis from his own experience. President Wade of Senegal was critical of the gradualist camp. He believed that gradualists had already had enough time to think in the 40 years since the debate on a Union Government had been initiated by Kwame Nkrumah. The Senegalese Minister of Foreign Affairs, Cheikh Tidiane Gadio, also granted an interview to RFI after the summit. He insisted that the maximalist approach should be adopted urgently, based on the benefit of jointly managing certain areas at continental level according to the principle of subsidiarity and for the elaboration of African positions on the international scene.

Gadio was quoted as saying that 'if the AU's political project is to bring Africans together, the best way of doing so is to form a continental executive, a Union Government. Once more, we are saying that there are duties that are best performed and best managed when they fall under continental competences. Take, for instance, Africans' struggle or war against Aids, which is the greatest blight which claims African lives … if there were an African Aids control programme, resources could be pooled and the continental-scale control could be assigned to an African minister of health; this is feasible'. Gadio was also quick to point out that 'the sovereignty of states would not be affected. It is important to understand the substance of the proposal. Nobody said that at the close of the meeting heads of state were to return to their countries as governors, that they would lose their title

as president, or their sovereignty. That is not the issue. Each country will maintain its diplomacy. But on issues of fundamental convergence like the reform of the United Nations system and extension of the Security Council, Africa already started speaking with one voice two or three years ago' (Fall 2007, translated from the French).

Based on the declarations of his counterparts the Senegalese president noted that he did not have to be seen as the one who might split the pan-African organisation into two, between states that wanted the imminent formation of a Union Government with a clearly determined number of ministers and those who chose to steer clear of such an institutional venture with the possibility of 'catching the train' later if and when they deemed it necessary. President Wade finally adopted a position of restraint because he knew that intransigence might lead either to outright abandonment of the Union Government project or to a split in the pan-African organisation.

Despite the views that were put forward by the CEN-SAD summit in June 2007, the Libyan leader, Colonel Mu'ammer Gaddafi, realised that the maximalists stood the risk of being in the minority vis-à-vis the gradualists. In his address to the summit he emphasised the urgency of forming a Union Government for Africa. In his view it was important to have a strong executive that would speak on behalf of Africa. He was keen to secure a commitment to form an African Union Government and then establish a comprehensive study of its terms of reference at a later stage. The Libyan government proposed that the African Union Government be structured with fourteen ministries in the following areas: energy, animal wealth, maritime resources, education and culture, justice, environment and forestry, security, health, agriculture, industry, transport and communications, commerce and the economy, defence and foreign affairs.

Participants who attended the summit noted that the leaders of Mali, Chad, Central African Republic, Liberia, Equatorial Guinea and Guinea-Bissau supported the idea of immediate decision-making on the formation of a continental government. With the reading out of speeches and the interventions of African leaders, the maximalist camp realised that there would not be much time left for real debate, something the Senegalese president pointed out. Realising while following the discussions that a decision on the immediate formation of an African government might not be taken after the debate, the maximalists adopted an alternative position, which was to study how African states might begin the process of forming a continental government. In a bid to sell their product the maximalists thus gave an apparently more gradualist tint to their speeches.

In any case one of the difficulties faced was the lack of homogeneity in understanding the concept of African government and the approach of the maximalist group. The two countries spearheading the group, Senegal and Libya, had undeniably different proposals and methodological approaches: for Senegal, the African government was a step towards a 'United States of Africa', while Libya made no distinction between African government and the 'United States of Africa'. For both, the idea was to manage jointly certain sectors that could not be managed efficiently individually by the African states. Another difference was in the number of sectors to be managed in this way: all sectors for Libya, and barely five or six for Senegal. In the end the maximalist group somehow disintegrated.

Were gradualists in the majority?

South Africa, Uganda, Kenya, Nigeria, The Gambia, Angola, Lesotho, Mozambique, Zambia, Zimbabwe and Mauritius for their part pleaded the cause of RECs, which according to them should be strengthened before any continental integration. The gradualists felt that integration should be achieved in stages, with priority given to the harmonisation of policies and regional integration.

The Zambian Minister of Foreign Affairs, Mundia Sikatana, explained to RFI correspondents his conception of the reality of regional integration when he noted that 'Zambia believes in integration, but this cannot be achieved immediately. We are of the opinion that, since Africa already has regional economic unions, we should strengthen such unions to make them our foundations. When you travel to a region like Southern Africa, there is no infrastructure in certain zones. Can you talk of continental unity when regions themselves do not have access to one another? We do nothing other than singing slogans, holding endless conferences which bear no fruit. Today, we have a unique opportunity to talk of an integration with a human face. We want to hope that we will start the integration bit by bit. If you come to West Africa, you will see what ECOWAS is doing for the people, same with SADC, same with the new East Africa Economic Community. We think that the more you try to unify regional communities, the better' (Fall & Correau 2007).

Cape Verde's Minister of Foreign Affairs, Victor Manuel Barbosa Borger, argued that it was better to maintain the current AU structures because they are still too young to have had time to prove their efficiency. He advocated regional political federations where possible, and in addition to a continental

economic integration as provided for in the Abuja Treaty[3] (Borger 2007). In his speech to the summit the Ugandan President, Yoweri Kaguta Museveni, explained why he was not a partisan to the immediate formation of a Union Government: '[On the economic front,] I support integration with everybody, [but] politically we should only integrate with people who are either similar or compatible with us. The whole of Africa has obvious incompatibilities when it comes to political integration. In East Africa, we have, for long, talked about a political federation. It is part of our [East African Community] treaty Article 5(2) … Insisting on political integration at the continental level will bring incompatible linkages that may create tension rather than cohesion' (Museveni 2007).

As a proponent of gradualism the Ugandan head of state also advocated the implementation of the principle of subsidiarity. He recommended a rational function-based approach by stating that states should ask themselves which function may be best performed at what level – at village, district, national, regional or continental level. Certain functions like the environment, trade negotiations, management of a defence pact and management and promotion of a common African market may unavoidably be better performed at continental level. 'If the AU Commission could concentrate on these four, instead of being everywhere and nowhere, we would start moving forward. We are wasting too much time pushing unresearched positions' (Museveni 2007:17).

The Prime Minister of Lesotho, Pakalitha Mosisili, recalled the stance taken by the summit of the Southern African Development Community (SADC)[4] in Midrand, South Africa, in October 2006, which was that a Union Government could be formed only when the African continent had attained higher levels of economic and political integration (SADC 2006). For him the best option, therefore, was partial cessions of sovereignty. He further recommended waiting for the findings of the audit of the AU Commission before taking any decision on a continental government, to avoid the same mistakes and problems (Mosisili 2007:5-7).

Some leaders insisted on the need to adopt a pragmatic approach and avoid a polarising debate. Mosisili argued that one could draw lessons from the European experience and start with economic integration using steel and coal, for example, as a basis for forging stronger links. Arab countries had not succeeded in setting up an economic market despite their common language. Ultimately, Africa has to start with regional integration. Generally there was a sense that the structures of the Commission and other AU organs that already exist should be consolidated first before moving further.

In the view of the maximalists, this type of argument was being used by the gradualists to gain time to avoid forming a continental government. It should be noted that states also seized the opportunity of the Grand Debate to cross the floor and switch from a maximalist to a gradualist posture.

Scepticism or refusal to display a concealed position?

Other African peers adopted a stance that was difficult to categorise. Some leaders, like Benin's Yayi Boni, displayed enough ambiguity to make it impossible to assign them to either camp. Based on the summit debate, Boni argued that there was a need to send a strong signal and show Africa's determination to work toward forming the Union in the very short term. The reluctance of certain countries to take a stance was undoubtedly because they did not want to be seen as perhaps having caused the debate to fail.

Still others, like Egypt, expressed themselves by talking in favour of the principle of a United States of Africa and a gradual approach with prior strengthening of the Commission in a transitory manner (Fall & Correau 2007). On the surface this was a fairly non-committal position. Algeria, for its part, was notably silent, despite its traditional attachment to the strengthening of regional integration. The countries of the north probably also found it difficult to take a stance owing to their traditional convictions of sovereignty and the near absence of RECs in their region, with the exception of the Arab Maghreb Union (AMU).[5] For all that, Egypt and Algeria, which are among the five biggest contributors to the AU, probably decided not to single themselves out publicly by towing the gradualist line. Some countries even made speeches that were completely unrelated to the discussions. Such was the case of Niger, which focused on internal policy issues.

The special case of Gabon:
'Yes' for a Union Government to work out common positions

Having been relatively uncommitted one way or the other, in Accra Gabon's head of state, Omar Bongo, joined the maximalists. He sought to encourage and reinforce the maximalist camp, which appeared to be losing ground. The Gabonese leader is known to be partial towards the Libyan leader. Sensing that Gaddafi was more or less being 'abandoned' by the CEN-SAD camp, Bongo undertook an operation to rescue the maximalists. To achieve this, the Gabonese president used both his personality and the political symbol he represents. Bongo had been present, as director of the cabinet of President

Leon Mba, at the OAU conference in May 1963 where the issue of Union Government was discussed. As dean of the continent's heads of state he also has an established reputation in the international arena. In short, what he had to say would no doubt be listened to and probably heard.

In his speech, President Bongo spoke of the issue of the Union Government and a United States of Africa within the context of the representativeness of the African continent. For him, as for others, a single continental government may make it possible to present common positions in international negotiation forums. In his speech Bongo stated that 'today, our continent, like the others, should accelerate its integration process. In effect, when Africa speaks with one voice, the entire international community listens and understands. This has led to a consensus in favour of the political and economic integration of Africa … we are however aware that in order to arrive at a broad-based consensus, we still need to reassure one another, dispel doubts and fears, with a view to ironing out our divergent approaches. Indeed, the real difficulties are technical. The formation of an African Government does not mean the end of national sovereignties. States, governments and their ministers will, at this stage, continue to have all their current national authorities. The federal government, with a number of federal ministers, will be based on the principle of subsidiarity. We should therefore decide which portions of sovereignty we are ready to give up.' (Bongo 2007) In his attempt to reassure those who were concerned about the loss of their sovereignty Bongo noted that 'the federal ministries that would be chosen will have only the powers and authorities bestowed on them by states. This principle implies that not all duties will be under the Union Government. The Union Government will only handle those that members states can handle better collectively than individually. That is what we are already doing within the context of the international grand debates during which either the African Group or the Group of 77 speaks on our behalf. The Federal Government will also be based on the principle of consensus. We need to present a common position when we negotiate in international forums like the World Trade Organisation. The Union Minister will defend a common position previously adopted by the 53 African ministers of commerce. The extra-African powers will, as such, no longer work for our division. Our sovereignties, which have so often been given a rough ride, will come out strengthened. The African Union implies that we should stand united before the outside world.' (Bongo 2007)

In effect the Gabonese president adopted a medial position to try to reconcile the two opposing camps. As such, he proposed that continental ministers be assigned temporary mandates to conduct negotiations on behalf of Africa,

instead of vesting them with permanent authority under the principle of subsidiarity. The preparation of common positions and policies is aimed at giving Africa a better chance to position herself, weigh on debates and obtain a real place in the international arena. Such intermediary positioning was aimed at reassuring partisans of a total subsidiarity by proving to them that progress was being made toward a Union Government, and reassuring those who were afraid that subsidiarity does not substantially compromise their sovereignty, given that it is just a limited delegation of sovereignty.

Divergent interpretations of the Accra Declaration

In order to present a common position and close the summit, African leaders had to draft a final text outlining their position. To achieve this, at the request of President Wade, they constituted a drafting committee, chaired by Ghana and comprising Uganda, Libya, Namibia, Burkina Faso and Gabon. Several heads of state were not satisfied with the first draft, which to them reflected merely a summary of the opposing camps (Colette 2007). The committee was consequently obliged to review the text and present a second draft.

In reality the obligation of the member states was mainly to debate, not necessarily to arrive at a decision. The 'grand debate' at least had the merit of bringing out the views of member states that had not officially taken a stance until then. For all that, the task of assessing the said positions of African states on this politically sensitive issue remains difficult for at least two reasons. First, these were ad hoc positions that may still change as time progresses. The switch in interests and the resulting reorientation of the positions of states is symptomatic of the difficulty of overseeing the integration process. Secondly, the definition of parameters relating to the Union Government is still particularly laborious and vague in the sense that neither the member states nor the AU Commission have yet conceptualised what they understand by it.

For the 'sceptics' discussions remained at the level of general issues and the Accra Declaration was not a functional document that could provide direction. It was an attempt at satisfying all the divergent camps in a compromise between those states that were for and those against a Union Government. In the final analysis the heads of state did not take any consistent or committing decisions for the future. They limited themselves to the adoption of a compromise declaration vague enough to satisfy the smallest denomination, namely the formation of a Union Government in an indeterminate future. For them the advocacy of the Senegalese and Libyan

leaders was not enough to convince the majority. The major decision on the formation of the Union Government was no doubt reiterated (African Union 2007c: point 1), but states did not adopt a precise road map despite previous proposals by the Commission in that direction (African Union 2006b). Lastly, the sceptics believe that the particularity of the Accra Declaration lies in its commitment to nothing, except to continue debating.

As for the gradualists, they insisted on the fulfilment of a number of conditions relating to the harmonisation of policies and regional integration before a Union Government can be formed. In effect they considered that the Union Government cannot be formed within the current African context for the following reasons:

1.   The continent shares neither a homogeneous vision nor common values and does not have harmonised development

2.   The regional and continental disparities remain very strong in terms of governance, free movement of property and persons, economic performance, infrastructure, education and development – in short, there is hardly any continental cohesion and battles have occurred in each region to secure hegemony

3.   The deficit in good governance and democracy does not give room for profound discussion on these topics

4.   The economies of the continent are not even integrated at regional level

5.   Many African states are still jealously attached to their sovereignty (Lecoutre 2007:11-12)

For the gradualists the Declaration brings to the discussion table the Abuja Treaty, which had effectively been shelved for years. AU member states thus made the commitment 'to rationalise and strengthen the Regional Economic Communities … so as to lead to the creation of an African Common Market, through the stages set in the Treaty Establishing the African Economic Community (Abuja Treaty), with a reviewed and shorter timeframe to be agreed upon in order to accelerate the economic and, where possible, political integration' (African Union 2007c: point 2a). But for them there is not much innovation in the text, except perhaps the request for an audit of the organs of the AU by a panel appointed by the AU Commission (African Union 2007c: point 2b). They see the Accra Declaration as mere political

wangling: it gives the impression of movement to conceal real deadlock. The gradualists had simply gained time (Fall & Correau 2007).

For the sceptics and gradualists, heads of state had used the normal African diplomacy practice of forming a ministerial committee to postpone the discussions indefinitely. One concrete outcome of the Accra Declaration was the establishment of an audit committee with well-specified terms of reference. The ten members of the committee are responsible for brainstorming on five key issues, the results of which they will communicate to the Addis Ababa summit in January 2008. These issues are the identification of the contents of the Union Government concept and its relations with national governments; the identification of domains of competence and the impact of the establishment of the Union Government on the sovereignty of member states; the definition of the relationship between the Union Government and the RECs; the elaboration of the road map together with timeframes for establishing the Union Government; and the identification of additional sources of financing for the activities of the Union (African Union 2007c: point 2c). The ministerial committee (or Committee of Ten) was to comprise two members per region chosen at that level. Its composition, decided at the level of each of the five regions[6], was made public in September 2007: Ethiopia and Uganda (East), Egypt and Libya (North), Senegal and Nigeria (West), Cameroon and Gabon (Central), and South Africa and Botswana (South). All the different camps at Accra were represented in this distribution of positions.

Lastly, for the maximalists, the Accra Declaration is the result of disappointment, that of a decision not to form a Union Government immediately. Accra was not the anticipated historical summit, although the split of the pan-African organisation into two factions was avoided.

In a nutshell, the Accra Declaration made it possible to find an honourable way out for all: the formation of a Union Government in an indeterminate future, whose timetable has not yet been specified, but at a realistic pace and achievable by the various states of the continent.

Conclusion: Were there any winners or losers?

From the checklist established by the secretariat of the AU Commission, 41 heads of state and government took the floor during the debate. Seventeen countries clearly expressed their opposition to the formation of a continental government. In contrast, fifteen states reasserted their adherence to a Union

Government, while nine states said they were in favour of such a government on condition that its formation is gradual. Based on these statistics, President Mbeki estimated that the majority were against the immediate formation of the Union Government. President Wade classified the nine 'gradualist' states as countries that wanted a Union Government, thereby bringing the number to 24 (Meddi 2007).

Some people state that everybody left Accra as winners in the sense that the Declaration once more reaffirmed and adopted a consensus-based unity and the AU was not split. Some probably thought that they could put an end to the process, but it is still ongoing. In effect, each time member states meet they bring added value to discussions. As such, the creation of the ministerial committee has made it possible to organise additional brainstorming sessions.

Moreover, the AU ministerial committee on the implementation of the Accra Declaration has met several times: initially in September 2007 in New York, on the sidelines of the UN General Assembly, to draw up a timetable for their meetings; subsequently on 27 and 28 October 2007 in Accra, to brainstorm the five items on its agenda. In Accra the committee identified seven areas of competence for a continental government, namely environmental issues (global warming, desertification, coastal erosion); pandemics like HIV/Aids; research, universities, centres of excellence; international trade negotiations; peace and security; inter-regional and continental infrastructure (road networks, railway, ports, bridges, energy, etc); and trans-border crime (terrorism, drug and human trafficking). The Committee of Ten planned to meet in Addis Ababa in late 2007 to discuss the elaboration of a road map and identify alternative sources of funding for Union Government activities.

Others allege that the gradualists carried the day by avoiding a discussion on the immediate formation of a government, even if by a minority and in certain clearly defined domains. In this regard, the Libyan leader is believed to have lost his team of supporters in Accra: CEN-SAD members did not rally behind him despite a prior agreement arrived at in Sirte in June 2007, and even Senegal, which before Accra was strongly bent on forming a Union Government, bowed down and retreated from its previous stance. The maximalists are believed to have lost in their quest. The next encounter is set for the 10th Ordinary Assembly of Heads of State and Government in Addis Ababa in January 2008.

The most pessimistic analysts consider that there were neither winners nor losers, that nothing happened and that nothing has changed. In their view,

donors today tend rather to support RECs financially and materially because they are believed to be better organised and more advanced. As such, they wonder, what is the centre of gravity on the continent: the AU or the RECs? The one positive outcome of the Accra summit was that it enabled states and civil society to debate and agree to disagree. Even though civil society was not involved in the summit debates the sense was that the people were listening and debating the issue in Accra. Ultimately, the debate will continue and the scene is set for further deliberations in the years to come.

Notes

1. I would like to thank African diplomats posted to Addis Ababa who granted me interviews for this paper. I attended the Accra Summit as a participant with observer status.

2. The CEN-SAD member states are Burkina Faso, Libya, Mali, Niger, Sudan, Chad, Central African Republic, Eritrea, Nigeria, Djibouti, The Gambia, Senegal, Egypt, Morocco, Somalia, Tunisia, Benin, Liberia, Togo, Sierra Leone, Côte d'Ivoire, Ghana and Guinea-Bissau.

3. The Abuja Treaty, which came into force in 1994, provides for the gradual establishment of an African Economic Community in six stages of variable duration over a transitional period not exceeding 34 years. See Organisation of African Unity 1991 (art. 6).

4. SADC comprises Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

5. Limited to countries of the Grand Maghreb, namely Algeria, Tunisia, Morocco, Libya and Mauritania. Egypt is not a member of the AMU.

6. It should be pointed out that the concept of region was defined by the then OAU Council of Ministers (see Organisation of African Unity 1976.) The five regions are: North Africa (six countries: Algeria, Egypt, Libya, Mauritania, Saharawi Arab Democratic Republic, Tunisia), West Africa (15 countries: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo), central Africa (ten countries: Burundi, Cameroon, Congo-Brazzaville, Gabon, Equatorial Guinea, Central African Republic, Democratic Republic of Congo, Rwanda, São Tomé and Principe, Chad), East Africa (12 countries: Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Uganda, Seychelles, Somalia, Sudan, Tanzania), Southern Africa (ten countries: South Africa, Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia, Zimbabwe).

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THE RELATIONSHIP BETWEEN STATES AND AN AFRICAN UNION GOVERNMENT

Ismail Fall

Introduction

Between 2005, when the AU met in Abuja, and 2007, when it convened at the Accra summit, the 'African Union Government' project had gained ground. But, as one might expect, the realisation of such a project is a more difficult task than its conceptualisation or design. Nevertheless, one should not lose sight of the fact that such a great ambition, with rather obvious historical relevance, still gives rise to reservations or some scepticism in the inner circles that can hardly be attributed to the usual accusation of 'afro-pessimism'.

This situation is first and foremost due to the fact that the abolition of sovereignties – which is the intention adopted by the continental government project – will not be so straightforward. States never willingly undertake a process that will dissolve their power of self-determination. This is a truism, a sort of law that applies to all unions of states and is not the exclusive preserve of Africa.

However, the project to set up a continental government also poses a problem not only for general reasons, but for reasons specific to Africa. The poor balance sheet of institutional pan-Africanism, which was long symbolised by the OAU, is of course the first reason. The OAU achievements have not met the expectations generated by its creation in 1963 and, apart from the decolonisation process, it is hard to find an area in which the organisation recorded an undeniable success. The poor balance sheet alone, however, does not explain the reservations expressed today about the march towards a 'United States of Africa' (African Union 2006). If this union of states – or federalism – is still questioned today in Africa, it is because of a sort of methodological doubt surrounding the idea. Not everyone always finds the approach clear or coherent. Clarity of method is fundamental for such a project. The benefit of a meeting like this ISS seminar is that it should clarify the approach adopted while drawing attention to its shortcomings and, of course, proposing with utmost modesty avenues for a solution.

Our opinion is that it is important, first, to reposition the continental government project within a historical perspective. This inventory work should lead to the admission of certain truths, or rather certain confessions, which are not often expressed. We believe that this sort of conspiracy of silence, which is a form of 'politically correct' behaviour, does the project a disservice.

This paper attempts to establish these truths (section I) and then to discuss the method considered most appropriate for forming a Union Government (section II).

Section I: Admitting certain truths

1. The visibility of the pan-African project

Here, the historical perspective is challenged. In effect, since the 1960s, Africa has witnessed a multiplication of unions of states. These include the OAU, the Lagos Action Plan (conceived as a means of achieving economic union), the Economic Commission for Africa or ECA (1991 Abuja Treaty) and the AU, to name but a few.

Although the substitution of the OAU with the AU was conducted transparently and was widely understood, the other initiatives remained to a large extent in limbo, i.e. they did not demonstrate advanced achievement. Any mention of a Union Government without expounding on past projects that have been theoretically relevant is likely to create the feeling that initiatives come and go and overlap and that the project of our current concern may soon end up in the grave of lost pan-African illusions. That would be the most dangerous thing.

That is why we deem it appropriate for the competent structures to decide on the fate of the various projects. The ECA, for instance, is an ambitious project but its link, its relationship, with the future African government should be spelled out clearly.

It is of course necessary – although this will be dealt with in the second part of this paper – to state clearly the relationship between the continental government and the current African Union, at least in terms of organising a transition or possible substitution. These issues do not only fall within the scope of legal para-professionalism; they also have a significant psychological

aspect since the effort made to resolve them would make the project under discussion more credible.

In short, it is necessary to 'walk down memory lane', as it were, to position the 'pan-African government' in the wake of related initiatives. We consider this inventory work, which is a complete review, as an unavoidable prerequisite. We are not insinuating, however, that the entire past should be reintegrated. If there are projects to be abandoned, if certain visions are deemed to have outlived their usefulness, then this should be made clear.

2. The connection between the continental body and subregional bodies

We all know that the issue of relationships between the continental body and subregional bodies or regional economic communities (RECs) was the focus of discussions that preceded the founding of the OAU in 1963. We know the conflicting positions that prevailed at the time and the doctrine that was finally adopted by the organisation. As early as August 1963 ministers of foreign affairs meeting in Dakar put forth the principle of compatibility between subregional and continental groupings, taking pains, however, to lay down certain conditions. In a nutshell, besides the possibility of developing frameworks for integration in subregions (North, East, West, Central and Southern Africa), it was provided that the organisations would:

• Reflect real solidarity among the constituent states

• Voluntarily state their agreement in principle with the pan-African organisation

• Forward the treaty under which they were established to the OAU

Since then, the doctrine has been reasserted.

It is found in the Abuja Treaty of 1991, which in setting up the ECA stated that it would be established 'gradually' in six stages of variable duration over a transitional period not exceeding 34 years (Organisation of African Unity 1991). The first of these stages was supposed to be the strengthening of existing RECs and establishing new economic communities in regions where they did not exist.

The Constitutive Act that established the African Union remains faithful to this option. Not only does it tie in with the Abuja Treaty of 1991, but it

reiterates the subregional creed as a necessary stage in the integration of the whole of Africa.

The philosophy in all these instruments is clear: continental integration is perceived as the culmination of subregional integrations in accordance with a gradualist perspective.

Unfortunately, today we find that not only is subregional integration still underway, even where it is well advanced, but the levels of integration are not the same if one looks at different parts of Africa. In some parts of the continent the idea is modestly to set up a 'common market' (East Africa), while in others the aim is to achieve an 'economic and monetary union' (West Africa, Central Africa), a more ambitious objective than that of a 'common market'.

The areas of activity of the various international organisations are not the same and do not tally in all cases. So whereas an issue like security is considered in organisations like ECOWAS in West Africa, it is almost absent – in theory and even de facto – in an organisation like SADC in Southern Africa.

Lastly, there is the endless issue of the 'rationalisation' of the RECs. At first glance, their sheer number is a problem and there is no indication that any of the regions are prepared to sacrifice their particular organisation for the greater good. Subregional organisations continue to coexist. Without going as far as saying that they do not know each other, one has to admit that their sporadic dialogue very rarely touches the issue of their disbanding, merging or anything else.

In the face of such challenges the imminent creation of a continental government stands the risk of shattering the philosophy of the pan-African organisation. More precisely, the problem of connection between continental and subregional groupings would no longer be dealt with as it has been up to now. The sudden 'leapfrogging', which should be the set-up of the African government, would be a break with the gradualist approach, the theory of integration by concentric circles (African Union 2006). The 'instant' or even partial realisation of integration at the continental level would invalidate all that has been said up to this point. Let us be clear about things: there is no value judgement in what has just been said. There will be no dramatic problem in the fact that, faced with the new historical situation, a pan-African organisation may 'review' its point of view. We witnessed a similar scenario when, in the European territory, the Berlin Wall crumbled: many international organisations adapted themselves to the new situation. Faced

with a revolutionary phenomenon such as the creation of a continental government African international institutions, the first among them notably the African Union, will have to adapt and develop strategies in keeping with the new trend. Whatever the case, and we want to limit ourselves to this simple fact, the issue of inks between the continental framework and subregional frameworks would have to be considered in new terms, in which the AU cannot constitute a deadlock.

Such clarification is necessary at least to compensate for the potential conflict inherent in the meeting of the two levels. For instance, is it possible to implement a transport policy simultaneously at the subregional and the continental level (an example chosen deliberately since, at the 2005 Abuja summit, Libya proposed transport as an example of a sector that could be transferred immediately to the continental government), when we know that it has or should have given rise to 'joint policies' in certain RECs?

How can the two levels be harmonised if they are to survive?

These are complex issues; but stating them in no way reflects a 'displeased mind'. It is important, if the project we are discussing is to be credible, not to evade the issues raised. Our meeting, however, is not aimed at making a decision, but rather at simply raising the issues. Other inner circles will solve that problem.

II. The 'pan-African government': Identity and action

In our opinion, the sought-after continental government cannot be established *ex nihilo*, from nothing. It exists within a context and respects some sort of continuity. That is why it is not appropriate to discuss its form and nature outside the present context. In other words, it is necessary to state its relationship with the current African Union quite clearly.

More specifically, the issue to be considered is its relationship with the AU Commission. In effect, what looks like a 'government' in Africa today is, of course, this organ integrated in the AU, in principle independent from the member states, which is supposed to defend only the interests of the organisation. If the continental 'government' is to be born, will it be from the ashes of the Commission? What will be the 'added value' of a continental government in comparison with the current Commission?

Here again, answers must be sought.

The urgency of an answer lies in the fact that as the prospect of a 'United States of Africa' with a government is taking shape, the current Commission continues to operate and is even considering its reinforcement. It is appropriate for the Commission to include the prospect of a continental government in its programme.

It is true that, in certain institutional scenarios, the current Commission would continue to exist, even if a continental government were established. In this regard, there is every reason for us to worry about the risk of the juxtaposition of structures and, in the long run, a conflict of legitimacy between such structures. The relationship between the two bodies is unclear. Apart from budgetary issues that may arise as a result of such coexistence – the African Union is already facing the nagging problem of resources – the build-up of decision-making levels may turn out to be dangerous for the efficiency of the future government.

In any case it would be profitable to learn from the shortcomings of the current Commission. A continental government cannot avoid taking these into account, unless it wants to face the same destiny as the Commission. As an integrated body it will be faced with the clash of interests between states and the continent, and entrusting competences to a supranational authority will be a thorny enterprise. It is thus necessary to 'capitalise' on the achievements of the current Commission and translate them directly into an institutional configuration for the continental government.

With such reservations, and because this is a crucial issue affecting the very identity of the future government of the continent, it would be appropriate to dwell on two or three scenarios, integrating or excluding the current Commission. These will be alternative or changing scenarios, aimed at maintaining the discussions on such an important item and proposing to states a range of possibilities on the basis of which they can make a final decision.

Lastly, it should be pointed out that the idea of a government draws inspiration from that of accountability. It is therefore necessary to institute mechanisms for conferring political responsibility on the future government, and above all state to which organs the government would be accountable. In this regard, it was pointed out that the government under consideration should be one of the people and 'civil societies', and not only an offshoot of states (African Union 2007a). Logically, and to maintain the spirit of the reform undertaken, such accountability should be exercised before a parliamentary assembly, a parliament that is supposed to represent the

people. It is common knowledge that there is an African parliament project. The ideal would be for the two to evolve in parallel, for the emergence of a continental government to accompany that of an African parliament. In the absence of such a pleasant coincidence, the accountability of the continental government would be exercised in respect to other bodies, but there is no reason to refrain from already projecting into the future and to state right away that it is before the future parliament that government accountability may be questioned. Such provision would be in line with the very institution of a peoples' representation and, as far as Africa is concerned it would mark a break with the predominance of intergovernmental bodies whose logic is, by definition, the exact opposite of the idea of supranationality.

In our opinion, this is a historical opportunity to mark a break, to give a new spirit to the integration of states in Africa. Moving the Conference of Heads of State and Government from the centre of gravity of power – or part of the power – to a peoples' representation organ would clearly be a revolution equal to the event the continental government will constitute.

We go even further: this issue of accountability to parliament should be made a point of principle and linked directly to the very project of continental government. The issue is not only one of ardent or naive 'militancy'; the relationship between the two facts is mere logic. Under pain of incoherence, it would be inappropriate to institute the accountability of a *continental government* to any type of 'diplomatic' or 'intergovernmental' body. The point is that the notion of 'government' must be understood here in the strongest sense of the term. A 'continental government' is not a body integrated into an international organisation; it is a college that is supposed to have greater flexibility than a traditional body, which is supposed to take important initiatives. In short, it is supposed to *govern*. Once the requirement of unity of states has been raised to such a high level, it would then be necessary to refrain from lowering the level, and to conceive the exercise of accountability of such a body to an equally high-ranking institution, only to a pan-African parliament. All things considered, there is no need to have a 'government' for that purpose: an institution like the European Union Commission is accountable to the European Parliament, whereas it is only the organ of an organisation, albeit specific in some respects. Thus, we find the recommended idea tenable.

Conclusion

The existence of a continental government leads a priori to the idea of the 'instantaneous' transfer of knowledge toward the new entity. In effect a

'government' depends on the principle of sector-based division of labour, which implies that, with its inception, the continental government would have plurality of competences, of 'portfolios'. Against such massive allocation of competences, we wish to suggest a gradual devolution of sectors of activities. Such 'gradualism' would have a dual advantage in our opinion. On the one hand, it would avoid 'robbing' states of their competences overnight. On the other, being a rather cautious approach, it would make it possible to appreciate and eventually correct the action of the government as it would broaden its scope of intervention.

We need to be frank about one thing: we think the establishment of a continental government cannot be achieved by massive and instantaneous transfer of competence by states. In other words, the sovereignty of these states cannot be dissolved overnight, since instituting an African government is tantamount to destroying their sovereignty.

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RATIONALISING REGIONAL ECONOMIC COMMUNITIES AND IMPLEMENTING THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY: THE ROLE OF PARLIAMENTS

Marilyn Aniwa

Introduction

African countries currently find themselves at a critical stage in their political and economic life. The debate on integration and a Union Government has pitted African leaders against each other and different sectors of our educated and uneducated publics against one another.

This paper will trace efforts at economic integration to date and argue that integration relies on the relationship that governments are able to develop with their people. It will assert that if integration is to have any meaning parliaments, as representatives of the people, must be an integral part of the process and, if parliaments are to remain relevant to the process of integration, they must be part of the debate and action from the beginning.

Although African regional and national parliaments are expected to assume the legislative and democratic oversight functions of regional integration in the long run, they so far remain at an infant stage of organisational development and are far from exercising the roles that fully-fledged parliaments play in democracies (Terlinden 2004). With current renewed efforts to complement economic integration with a broader political dimension of regional integration, regional parliaments have received increased attention and have gained in significance in recent years. However, as the agenda for a Union Government for Africa is followed, it is critical that national and regional parliaments are not left out of the debate and that they are part of the consultative process.

From Abuja to Accra

The treaty establishing the African Economic Community (AEC), known as the Abuja Treaty, was signed in 1991, but it was not until 12 May 1994 that it came into force. Since then various protocols have been prepared and adopted.[1] The key objective of the treaty was to promote economic, social,

political and cultural development, in addition to the integration of African economies to enhance economic self-reliance, self-sustaining development and political stability. It provided for the AEC to be set up through a gradual process, with the coordination, harmonisation and progressive integration of the activities of existing and future regional economic communities (RECs) in Africa. The RECs are regarded as the building blocks of the AEC. Some of the existing RECs are:

- AMU (Arab Maghreb Union)
- ECCAS (Economic Community of Central African States)
- COMESA (Common Market of Eastern and Southern Africa)
- SADC (Southern African Development Community)
- ECOWAS (Economic Community of West African States)

Although the Abuja Treaty designates the general secretariat of the African Union as the secretariat of the AEC, it is evident from the treaty that the concept of integration, its eventual take-off and its progressive establishment are closely linked to the process of cooperation at the regional level. Regrettably, all the RECs are still on shaky ground, owing to the intractable political and economic problems with which they must contend (Rugumamu 2004).

Significantly, some of the key institutions identified under the treaty, such as the Pan-African Parliament (PAP), the Economic, Cultural and Social Council (ECOSOCC) and the General Secretariat, have been established. But there was a widespread feeling that progress in advancing the collective agenda for integration was slower than expected. This led to a call for a debate about how Africa should proceed on the integration path. In January 2007 African heads of state and government called for public consultations and debate on the proposal, with debates taking place at national and subregional level. Civil society organisations (CSOs) also joined the call for a people-driven process in which the voices and perspectives of the people of Africa will be brought to bear on both the debate and its outcomes.

The 9th Ordinary Summit of the AU, held in Accra in July 2007, was expected to decide whether the African Union should take the first step towards becoming the United States of Africa by the year 2015. In a four-point declaration, now referred to as the Accra Declaration, the heads of government at the meeting agreed to accelerate the economic and political integration of Africa and move towards the formation of a Union Government with a view ultimately to realising the objective of a United States of Africa.

Patterns of regional cooperation and integration:
The case of regional parliaments

As noted earlier the Abuja Treaty recognises the subregional economic communities as foundation blocks for the proposed union, and most of these economic communities have moved to establish regional parliaments. The national, regional and pan-African parliaments have representational and advisory mandates in varying degrees according to the protocols establishing them. Yet the development and adoption of basic legal documents by the regional summits and national parliaments and the actual inauguration of the assemblies has in most cases been a lengthy process.

For example, the PAP was inaugurated in 2004 with the objective of supporting the oversight of the implementation of the policies and objectives of the AU and the AEC, as well as promoting the process of African integration through the legislative actions of national parliaments. Before the creation of the PAP there had not been a continental mechanism for debating and securing more widely informed views on development and other issues affecting the peoples and countries of Africa. There was also no mechanism for introducing and sustaining a continental agenda in the national parliaments. Whether this is being achieved with the establishment of the PAP is another matter altogether. The issue is that the essential administrative infrastructure for the effective running of these parliaments is virtually non-existent.

Most of the parliaments have relied on external donors and foreign agencies in the field of development cooperation for support. These include ECOWAS, whose parliament was agreed to in 1994 but only came into force in 2000 and held its first session in January 2001 (Terlinden 2004). The East African Legislative Assembly (EALA), a second attempt to establish a regional assembly in East Africa, was inaugurated in November 2001. The earlier assembly collapsed with the first East African Community in 1977.

SADC has one of the oldest regional parliamentary structures, although it has a limited mandate owing to its status as a parliamentary forum. There were plans to convert it into a regional parliament and the necessary protocol was drafted, but the adoption of the document and the launching of the SADC parliament have been postponed several times.

Some structures, such as the Inter-Parliamentary Union of the Intergovernmental Authority on Development (IGAD), are less well-established than other regional parliaments. IGAD's founding protocol was signed by speakers of the national parliaments in February 2004, but its ratification has been

delayed and it cannot begin its actual work. In addition, although the protocol of ECCAS was adopted in 2002 it is not very active, and the same can be said for the treaty to establish the parliament of UEMOA (the West African economic and monetary union) that was signed in January 2003. The problem for UEMOA is that all its member states are also members of ECOWAS, whose parliament is already far better established.

It may not be wrong, therefore, to conclude that the attempts at the creation of regional parliaments to support integration have depended mainly on the degree of internalisation of the domestic and subregional policies of the member states. The regionalisation process all too often exposes the inability of African states to seek proper mandates or secure the implementation of policies within their own countries. The lack of commitment to subregional integration is often a reflection of patterns prevailing within the countries themselves. For example, within the ECOWAS subregion the discriminatory treatment accorded to ECOWAS nationals by other countries often does not differ much from the insecurity that nationals may encounter within their own countries on the grounds of non-identity, political affiliation or social status (Bach 2004).

Discriminatory tendencies like these are carried over to public organs within the state, such as parliament and other independent governance institutions, thus denying them involvement in key decision-making processes. For example, at a recent parliamentary forum in Benin, the African MPs present expressed ignorance about NEPAD and noted that their governments had not brought the document to their houses of parliament. The MPs were therefore not aware that, in terms of NEPAD's Maputo Agreement of 2003, African governments are committed to spending 10 per cent of their GDP on agricultural development.

On the other hand, limitations to parliamentary involvement have stemmed from the institutions themselves. The limitations to parliamentary involvement on the continent often include the following:

- Limited knowledge of and involvement in key initiatives such as the poverty reduction strategies, the NEPAD initiative and the APRM (African Peer Review Mechanism) process

- The legitimacy of subregional initiatives for non-member countries

- Capacity and human resource constraints within parliaments

- Undefined inter-parliamentary relationships – for example the relationship between the PAP and subregional parliaments and even between the PAP

and the AU in terms of the links between the PAP committees and the AU specialised technical committees in order to consolidate cooperation between these organs

• A dominant executive and an all-powerful president

Yet, despite these seeming failures and obstacles, there is still a case to be made for involving national and regional parliaments in the process of integration. It must be understood, however, that ECOWAS has made some significant progress with regard to some of the protocols of the AEC. The community has signed a protocol on the free movement of persons, including the abolition of visas for citizens of ECOWAS, it has approved the free movement of goods, established an ECOWAS common external tariff, removed all non-tariff barriers of a monetary nature and introduced the ECOWAS traveller's cheque. This at least points toward integration.

The NEPAD and APRM initiatives make it clear that economic viability is no longer the only reason for integration but is also a procedure for functional cooperation, which includes the efficient operation of common services and activities for the benefit of all people on the African continent. The model of collective self-reliance requires people-to-people cooperation and solidarity, the introduction of appropriate technology and institutional reform (Turok 2002). African governments have to be proactive to coordinate cross-border activity and facilitate the necessary social arrangements.

What this means is that a single market and union will eventually develop into a single social space, but the full implications of the ensuing relationships between individuals, businesses, cultures, policies, perceptions and interests cannot be determined. What is immediately apparent, however, is that the pressures that will be brought to bear on social and political systems and institutions will make it essential that people on the continent become an integral part of the national and regional policy formulation and implementation processes that have conventionally lain within the domain of governments. By the same token, governments must become intimately conversant with the interests and perspectives that underpin the actions of the people (Isaac 2004).

The role of parliaments

Parliaments and the roles they play vary around the world. They vary with the power and state of development of the parliament, and also with the constitutional systems of which the parliaments are a part (Miller 2007). All

national parliaments have legislative powers but their role has usually been limited to domestic policies and the exercising of internal legislative and budgetary authority. However, owing to globalisation and the unprecedented manner in which different cultures, religions and civilisations meet, international and domestic affairs can no longer be separated. Decisions taken by organisations such as the World Trade Organisation (WTO) and the World Bank affect the work of national parliaments and, because they must ratify the bilateral and multilateral agreements their governments enter into, parliaments must be fully informed of the issues concerned. Parliamentary involvement in international forums on topical global issues is growing gradually – quantitatively and in substance – within regional and global bodies. The same principle must apply on the African continent in any move towards regional integration and unionisation.

Unlike the EU, the PAP and the various regional parliaments do not have supranational powers. Therefore, decisions made by the AU have to be given legal effect under the domestic law of individual member states. As a result, parliaments, as the highest legislative bodies, have a critical role to play in the integration process through the enactment of legislation to give effect to the proposed union.

Parliaments also have a critical budgetary function to perform in the integration process. Member states will be required to make financial contributions, based on agreed formulas, to defray operational costs. However, member states' contributions will have to be allocated in the national budgets and thus will have to be deliberated upon and approved by national parliaments when they debate the annual budget. The challenge here is the mechanism for tracking the implementation of decisions agreed to at the regional and pan-African level. Members are unable to take their governments to task when follow-up actions are not taken.

It has unfortunately become an accepted norm that the debate on the integration process is the preserve of the executive. A serious consequence of this trend is the diminished role of national parliaments in the scheme of things. Their representative, communicative and educative roles, which are essential dimensions of the integration process, have been ignored. This should not be so.

Parliamentarians as legislators, representatives of the poor and watchdogs of executive power can play a critical role in the implementation, monitoring and evaluation of the integration process. The role envisaged for parliaments, particularly the PAP, includes the following:

- Offering a forum for people to make their views known through their parliamentary representatives

- Providing a mechanism whereby integration policies can be monitored frequently by national and regional parliaments

- Keeping member states informed of the progress and outcome of the integration process

- Creating opportunities for involvement in the issues of the integration process

- Contributing actively to the ensuing implementation process, such as drafting legislature and adopting economic, social, scientific and legal policies deliberated upon by the parliament, e.g. NEPAD

- Devising a systematic approach for cooperation between committees of national parliaments and the PAP committees

Integration also means yielding a part of the national identity, which tends to be a major challenge for all members states and is actually a cause of the current divide in the debate on a Union Government. If African parliaments are enabled to undertake broad consultation, ensuring adequate dissemination of information within the national context, then the expected opposition to change will not be overwhelming. For example, information can be disseminated through parliamentary and citizen outreaches. National and regional parliaments can forge regional positions on global issues such as the Economic Partnership Agreement (EPA), and member states can undertake the benchmarking and evaluation of national parliaments on regional protocols and international development agreements.

Observations show that, traditionally, countries are represented at international forums by their governments. The same is true for representation on various bodies of the AU. If countries are to derive any benefit from the integration process, and if the community is to obtain optimum contributions in terms of policy formulation and implementation, then it is important to review and transform intra-parliamentary relations on the continent. In parliaments with a bi- or multiparty system, divisiveness is the parliamentary norm and debates are usually underpinned by pursuit of the party's interest and not necessarily that of the country. Opposition parties are not normally considered an integral part of the decision-making process and neither their views nor those of their constituencies are taken

into account when national and international positions or strategies are considered.

In most cases, prioritising and strategising takes place within the inner circle of cabinet, and not in parliament, and the opposition only gets to hear of decisions through the media or when the relevant Bill is placed before parliament. If integration must take place, then the value of the opposition's contribution must be acknowledged. The opposition must be brought in as a partner in the framework for consultation on the regional integration process.

An equally important issue is the procedure for selection and election of MPs to regional or intercontinental parliaments. What role does the national parliament play in selecting members for these parliaments? The selection criteria are not transparent and for many of these regional parliaments, including the PAP, no specific framework for representation exists. The only criterion applied is that one must be a representative of one's national parliament. Sometimes appointments or nominations to these parliaments are based on a person's position within the party or government. This has created another difficulty where MPs who have lost seats in the national parliaments are no longer qualified as members of the regional parliament. Continuity thus becomes an issue when members change frequently. This does not, however, seem to be the case with EALA, where representation is based on a process of competitive election in member countries. Even within the PAP, representation is based on the selection and appointment of MPs by their national legislatures or governments rather than through competitive elections based on universal suffrage.

Others have argued that the reason for this arrangement with regard to membership of national parliaments is that member countries do not have harmonised electoral systems for selecting these assemblies. If systems were adequately harmonised, member countries could set specific dates to conduct elections for representation in the PAP, for example. The transitional period was expected to have been used to review the electoral systems, among other things, and to come up with concrete directives with regard to representation in regional and continental parliaments. Until this is done, the RECs and PAP will continue to face the same problems.

A newly-emerging trend referred to as parliamentary diplomacy has been added to the traditional parliamentary roles of representation and oversight (Miller 2007). In the past diplomacy was the preserve of the executive, while members of parliament occasionally debated foreign policy issues without direct personal involvement. Today the difference between foreign

or international and national or domestic has become increasingly unclear. Parliaments therefore have to act beyond the traditional executive prerogative and demand some space in international affairs, and subject governments to the same level of oversight as is found in domestic policy.

One of the most important roles of parliaments in integration relates to how they can facilitate the fundamentals of integration. Laws are required to address the basics – free movement of people, free trade, etc. In West Africa, for example, travelling from Ghana to Nigeria is a nightmare. Several barriers – police, customs and immigration – hamper the smooth movement of people and goods. Where is parliament in all this? There is a need to start from the basics and parliaments have a crucial role in overseeing this.

In order to involve African parliaments in the process the following steps can be initiated immediately:

- The AU, in collaboration with the PAP, must develop a clear legal basis for parliamentary involvement in the integration process

- Parliaments must be informed about the various positions and provided with accurate information about the AEC protocol and the debate to date

- Governments or the AU must provide parliaments with resources to develop expertise among individual parliamentarians and to support the work of specialised committees devoted to the issue of integration

- Selected members of parliament must be included in government delegations to the AU or related conferences on the integration process

Conclusion

As the history of the EU shows, advancement in trade and other forms of economic integration is inseparable from the political and social dimensions of the integration process. The wider political context has a profound effect on the success of economic integration, as well as public opinion – a relatively new fact of life that many governments are beginning to realise, albeit a bit late.

We must take our cue from the EU where, in 2005, the proposed EU Constitution was rejected by Dutch and French voters, giving EU member states reason to pause and reflect on the speed and direction of deeper integration within the EU (Kiiver 2006). This case confirms the importance of subsidiarity

as an essential part of any integration process. It shows that, within any union, rules should be made and action taken at the lowest feasible level (as close to the citizens as possible) and that greater recognition and participation by national, local and regional legislative bodies is required.

The critical question here is the extent to which African national and regional parliaments are part of the debate on integration and a Union Government.

Parliaments are the institutions expected to reflect on socio-economic issues, that is if they are given the necessary space by the executive and if they choose to do so. There are numerous examples around the world of contributions of parliaments to similar regional organisations, such as the Organisation for Security and Cooperation in Europe (OSCE), the Nordic Council and the Council of Europe, which have all established parliamentary assemblies or hold regular parliamentary conferences. A new development in the process is the adoption of parliamentary forums that relate to global organisations and issues such as the WTO and the EPA (Kiljunen 2006).

The development of these parliamentary assemblies and networks globally reveals the qualitative roles parliaments can play in any endeavour, particularly on the issue of integration. To this end the PAP, in close cooperation with the regional and national parliaments and other national deliberative organs, will very soon have to hold consultative meetings to discuss matters such as the harmonisation of legislation and how to move the integration agenda forward collectively.

All the above may not work if the weak structures within the national and regional parliaments are not addressed. This is because the economic and political problems that these structures encountered in the process of establishment still exist. In other words, the various regional economic communities and related parliaments must restructure their organisations and rationalise and harmonise policies to conform to the objectives and principles of the AEC treaty.

Note

1. The protocols cover the free movement of persons and rights of residence and establishment; transport and communications; rules of origin; customs cooperation within the community; industry; trade promotion; a solidarity, development and compensation fund; food and agriculture; science and technology; a Pan-African Parliament and human resource development.

IDENTIFYING THE DOMAINS OF COMPETENCE AND THE POSSIBLE IMPACT OF THE ESTABLISHMENT OF A UNION GOVERNMENT ON THE SOVEREIGNTY OF STATES

Irungu Houghton

'Why do we run to any candle uncritically when we need our own lights here in Africa?'

– An African Permanent Representative to the African Union, Addis Ababa

Introduction

The values of community and shared solidarity are as old as Africa itself. Historians have traced these values to the kingdoms of the Yoruba and Great Zimbabwe and the empires of Benin and Gao through to the pastoralist communities of the Kalahari San and the Berbers and the sedentary non-centralised communities of the Makonde and the Bemba. The advent of imperialism and the slave trade created both division and a sense of unity in the face of an external threat. From the partition of Africa in 1884/1885 and the imposition of colonial structures of control and domination to the struggles for national independence in the 1950s, 1960s and 1970s, this dialectic of division and unity continued to shape Africa's ability to face a hostile global world order (Rodney 1972).

The advent of the OAU was not immune from this dialectic. On one hand the OAU was clearly guided by common values of anti-colonialism, nationalism and a desire to improve the conditions of the millions of African women, men and children whose fundamental freedoms, dignity and human rights had been utterly undermined over decades of colonial rule. In this regard the OAU provided a rallying point for the nationalist movements of the 1960s, the national liberation movements of the seventies and eighties and the struggle against an apartheid state in the 1990s. On the other hand it represented the reluctance of Africa's new political ruling class to cede its control over the emerging independent nation states. As these emerging states established their military command, political control and sovereignty over their populations, sometimes with devastating consequences, individual states found themselves increasingly divided and vulnerable in the face of a global cold war, the onslaught of the Washington Consensus and structural adjustment programmes and

globalisation. By this point, it was clear to most of Africa's leaders that a new organisation was needed.

Notions of sovereignty and the advent of the African Union

Sovereignty can be defined as the exclusive right to complete political (judicial, legislative and/or executive) control over people. Within this concept, a state possesses full control over its own affairs within a territorial or geographical area. According to Western political thinkers such as Machiavelli, Hobbes and Locke, in most democratic states people anchor this sovereignty either directly through a popular assembly or indirectly through elected representatives. Given this starting point, it is understood that relationships with other states or external forces are secondary and should not be elevated above the primary relationship of accountability between citizens and their states.

Africa has experienced at least three distinct models of nation-state sovereignty. The colonial phase established states where the majority of people were subjects and not citizens. The colonial states and, by extension, the colonised populations were subordinate to other states. Post-colonialism saw these subjects become, as the result of their own struggles against imperialist control, citizens with varying rights to own property, confer citizenship, vote and be voted for, among others (Mamdani 1996). In this model of representative democracy, sovereignty revolved around the holding of periodic free and fair elections. Elections produced leaders who made public policy and enabled the citizen through his or her vote to hold government accountable for the delivery of pre-election promises.

The adoption of the Sirte Declaration, the Constitutive Act and the Commission's Strategic Plan signalled the emergence of a third model. This model announced a departure from the widespread conception of representative democracy and the principle that other African states either individually or collectively could not interfere in the internal affairs of another state.[1]

The Preamble and Article 3(g) of the Constitutive Act (African Union 2000) respectively state that the African Union shall 'build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples' and that the Union is required to 'promote democratic principles and institutions, popular participation and good governance'. Consistent with this is the vision of the African Union 'of an Africa Integrated, Prosperous

and Peaceful, *an Africa driven by its own Citizens*, a Dynamic Force in the Global Arena' (African Union 2004, my emphasis).

In this model sovereignty is based on the active participation of peoples, and African peoples have a responsibility to shape the allocation of public resources, the delivery of services, regulatory frameworks and the processes of governance. In this way active citizenship is a precondition for effective, politically accountable and responsive states and, it may be added, an inclusive union.

The AU also made another important distinction in terms of sovereignty. As 100 African civil society organisations noted during the 'grand debate' of July 2007, the founding instruments included new and important principles of shared responsibility and non-indifference within a commitment to establish an African economic community and political union (African Union 2007).

These principles, while possibly not deeply reflected on by all African leaders in 1999, drew from a tradition of political and economic integration aspirations embedded in previous agreements by many of their predecessors. Key among them were the Lagos Plan of Action and the Final Act of Lagos (both of 1980), the African Charter on Human and Peoples' Rights (1986), the African Alternative Framework to Structural Adjustment Programmes (1989), the African Charter for Popular Participation in Development and Transformation (1990) and the Abuja Treaty Establishing the African Economic Community (1991).

In this sense, the Sirte Declaration and the Constitutive Act of the African Union fused the trend towards partially ceding nation-state sovereignty in favour of greater shared responsibility between states and recognition of the importance of people's sovereignty. Since then, the evolution of African Union organs and institutions has expanded the institutional framework for these principles.[2]

Yet it is also true that the agreements had little influence on the domestic policies and behaviour of states in the 1990s. The African Charter on Human and Peoples' Rights failed to protect hundreds of thousands from the brutal and autocratic regimes of Bokassa, Mobutu and Idi Amin, among others. The African Alternative Framework to Structural Adjustment Programmes did not prevent the majority of African states from signing and implementing disastrous and destructive economic and social policies throughout the eighties and nineties. The Sirte Declaration and Constitutive Act were therefore born from the seeds of pan-Africanism but also the legacy of non-compliance with common principles and continental agreements by member states.

Criteria for identifying the domains of competence

A series of decisions, studies and brainstorming sessions between 2005 and 2007 provided the rationale for identifying the issues within which member states could delegate responsibility to AU organs to coordinate Africa more effectively. Known as the domains of competence, these issues are at the centre of the Union Government debate.

The precedence of existing values and decisions is a clear starting point for identifying the domains. Articles 3 and 4 of the Constitutive Act set out common values for the African Union as follows: respect for the rule of law, popular and transparent governance, gender equality, human rights and a non-indifference to the unconstitutional seizing of power, genocide and crimes against humanity. In addition, the adoption of no less than 33 charters, protocols, conventions, treaties and agreements – one of the most recent being the Charter on Democracy, Elections and Governance on 30 January 2007 – offers policymakers existing areas of convergence for consideration.

A second criterion relates to the issue of subsidiarity. This means the African Union needs to identify those issues that can best be handled at a continental level rather than at national or regional levels. These could be either problems or solutions of a trans-boundary nature.

Less strategic than the first two perhaps, a third criterion relates to the nature of 'administrative fit' with member states, continental organs and global institutions. The diversity of ministries across the 53 member states has proved challenging in terms of bringing the appropriate ministers and civil servants to formulate and approve common positions. This has complicated the establishment of the envisaged seven Specialised Technical Committees, which tend to cut across several ministerial portfolios for most countries.[3]

Guided by its statutes, the African Union Commission provides leadership and acts as a secretariat for the Union. Its eight departments directly coordinate or support the coordination of many of the Union's work programmes, especially the adoption of common policy standards and positions for the global policy arena. A related area is the existence of international agencies that have administrative responsibilities for Africa such as the Africa Regional Office of the Food Aid Organisation and the World Health Organisation, among others. The selection of domains of competence needs to be sensitive to these existing institutional arrangements in order to ensure coherence, synergy and integration at the national, continental and global levels.

Towards a preliminary balance sheet of the African Union

While it is premature to provide a definitive assessment of the performance of the organs of the African Union,[4] it is clear to most analysts that the African Union has had mixed success even in terms of its own aspirations and goals. Between 2001 and 2007 the African Union Commission successfully established the main organs of the Union, achieved adoption by member states of several common policy positions, frameworks and treaties and assertively projected Africa in the global arena. However, the slow ratification and poor implementation by member states of AU treaties, conventions, protocols and common policy frameworks and weak ownership by citizens and non-state actors have limited this success.

The first seven years of the African Union has demonstrated its potential to raise the bar of common standards and rights instruments across Africa. In addition, the African Peer Review Mechanism and flashpoints in Sudan, Mauritania and Madagascar have demonstrated the capacity of the Assembly of Heads of States and Governments to hold its peers accountable to higher standards of democratic governance. Another clear achievement of the African Union Commission and other organs has been their growing assertiveness in World Trade Organisation and United Nations policy negotiations, among others. The ministries have enabled African ministers to take common positions represented by a single minister or commissioner.

Yet it is clear that there have been several significant failures and missed opportunities as well. Critical treaties and protocols remain unratified by the majority of member states, most significantly the amendments to the Constitutive Act of 2000. Key targets set by common frameworks embedded in declarations that have huge implications for the lives of hundreds of millions of Africans, notably the Abuja Declaration on tuberculosis, malaria and HIV/Aids and the Sirte Declaration on agriculture, have yet to inspire significant national policy change and budgetary resource allocation in many of the countries that have adopted the instruments.

Furthermore, the coordination of Africa's voice in important global policy negotiations has left much to be desired in the approach taken to the China-Africa Summit of November 2006 or to the current approach to the Economic Partnership Agreements with the European Union. Africa has faced these new opportunities to forge relationships with powerful global actors either without a clear collective set of minimum conditions or divided into meaningless and unofficial regional groupings in the latter case.

Apart from the successes and failures of the African Union, the most compelling reason for greater integration has to be the extent to which it is believed that this will make a transformative impact on the lives of African peoples, particularly its most marginalised and vulnerable groups.

In 2007 Africa is governed more transparently and democratically than over the last 30 years. Africa has maintained an average 6% economic growth rate boosted by high commodity prices for key minerals, oil and agricultural commodities. A number of large countries have moved from grappling with large-scale conflicts to post-conflict recovery and reconstruction. Through increasing investment in agriculture (Malawi), dropping fees for primary education (Kenya, Uganda and Tanzania), healthcare (Zambia and Burundi), funding school feeding programmes (Ghana) and a commitment to fight malaria and other diseases, Africa's capacity to respond to the key rights and the dignity of all citizens has begun to reverse decades of harmful structural adjustment programmes.

Yet, also in 2007, 298 million African men and women, or 41% of the continent, are extremely poor and cannot meet their basic nutritional requirements. One in three children under the age of 14 spend their days outside a classroom and one in every sixteen women will die in childbirth compared with 1 in 3 800 of their European counterparts. Two million people, many of them women and children, will die of HIV/Aids. Further, as a result of climatic change, between 75 and 250 million people will be exposed to stress arising from the unavailability of water for drinking, cleaning and the irrigation of farms. Renewed economic growth also leads to a more strategic challenge, namely how to ensure that the current inequalities within African societies are not widened further and that the wealth generated is regulated in such a way that it leads to greater investment domestically and not wealth flight to industrialised countries.

It is within the reality described above that the proposal to establish a Union Government as a precursor to a United States of Africa must be viewed.

Preliminary domains of competence: Some policy choices

The clearest set of proposals for coordinating common policy are contained in the report 'A Study on an African Union Government: Towards the United States of Africa', submitted to the 7th Ordinary Session of the AU Assembly in Banjul, Gambia, in July 2006 and the as yet unadopted but comprehensive 'Report on African Union government implementation modalities' of 2007.

The reports propose 16 areas of common policy, being continental integration; education, training, skills development, science and technology; energy; environment; external relations; food, agriculture and water resources; gender and youth; governance and human rights; health; industry and mineral resources; finance; peace and security; social affairs and solidarity; sport and culture; trade and customs union; and infrastructure, information technology and biotechnology.

Africa, this line of argument goes, is too marginalised and over-dependent on external forces to meet the needs of its own economic growth, food security and financing for development. The relatively small size and fragility of most countries is not conducive to a domestic market that spurs growth and attracts and has the capacity to regulate better global terms of trade. Furthermore, many of the development challenges being faced by member states are common to their neighbours and some require a regional or continental approach. Thus it is argued that it is only with such an approach that Africa will be able to overcome common challenges of dependency and under-exploitation of African resources by Africans, food insecurity, small economies of scale and weak international bargaining capacity, among others.

These proposals have failed to produce a clear consensus among member states in a series of summits and ministerial meetings over the last two years. While in the eyes of the public it would appear that the Accra Summit of July 2007 was distinguished mostly by disagreements among African leaders, it did produce key areas of agreement. Summarised, the Accra Declaration states the following:

> We agree to accelerate the economic and political integration of the African continent, including the formation of a Union Government for Africa with the ultimate objective of creating the United States of Africa.
>
> [Further, we agree] to establish a ministerial Committee to examine the following:
>
> i.   Identification of the contents of the Union Government concept and its relations with national governments;
>
> ii. Identification of domains of competence and the impact of the establishment of the Union Government on the sovereignty of member states;

iii. Definition of the relationship between the Union Government and the Regional Economic Communities

iv. Elaboration of the road map together with timeframes for establishing the Union Government; and

v. Identification of additional sources of financing the activities of the Union.

It could be argued that the values, policy standards and human rights instruments adopted by the African Union could legitimise all 16 areas currently being considered. However, the poor level of national domestication of these agreements and their popularisation suggests that more focus would be prudent. Furthermore, important independent studies have shown that the level of inter-ministerial coordination at national level needs further improvement (AFRODAD 2007).

Applying the criteria of 'subsidiarity' and 'administrative fit', the following eight issues should be considered for adoption as domains of competence: peace and security, democratic governance, infrastructure and energy, internal market liberalisation, global trade negotiations, environmental protection and climate change, African identity and solidarity, and pandemics.

Spheres of integration	Domains of competence	Benchmarks
Political	Peace and security	Establishment of an African Standby Force, solidarity and indifference to human rights violations, early political mediation
	Democratic Governance	Monitoring and early political action to strengthen governance, elections and political processes within Africa, APRM
Economic	Infrastructure and energy	Investment in roads, railways, dams, energy grids
	Internal market liberalisation	Freedom of movement of persons, goods and services within Africa
	Global trade and financing for development negotiations	Minimum negotiating positions

Spheres of integration	Domains of competence	Benchmarks
Economic	Environmental protection and climate change	Harmonised adaptive strategies towards climate change and demands on industrialised countries to mitigate the impact of harmful industrial growth
Social and cultural	African identity and solidarity	Promotion of African languages, personality, history and culture within new values of democratic, transparent and inclusive governance, human rights and responsibilities
	Pandemics	Joint strategies for preventing the outbreak of communicable diseases, regional production and provision of generic drugs and harmonisation of laws

The adoption of these eight domains of competence would allow the Union to focus on issues that have so far proved difficult to resolve for millions of Africans – issues that are trans-boundary in nature – and, secondly, would cover the important negotiations that Africa is called upon to undertake with more powerful nations.

Conclusions on the implications for the sovereignty of states

It is clear from the above analysis that African states over the last seven years have ceded, at least in their intent, a great deal of sovereignty in two important regards: to the peoples of Africa and to each other. It is possible to speak credibly now of a transition from nation-state sovereignty to a people-based sovereignty that rests on shared values and accountability among African states.[5]

Yet it is important for the accountability of African states to citizens that policy formulation and feedback mechanisms are devised and adhered to at national level. These mechanisms should enable appropriate public and intra-state participation. More effective integration within states (national assemblies, the Executive and its ministries and judiciaries) and more effective engagement with and inclusion of non-state actors will anchor the continental project of integration and transformation in the best principles of nation-state sovereignty, namely the accountability and responsiveness of the state to its citizens.

It is within this logic, rather than looking for a new approach, that the challenge of agreeing on a limited set of competences lies. Greater trust and delegated authority to the organs of the African Union on these eight issues have the capacity to take the struggle for prosperity, peace and justice in Africa and greater assertiveness abroad to the next chapter in the history of the African Union.

Notes

1. In this regard, the African Charter on People's and Human Rights (1986) and the African Charter for Popular Participation in Development and Transformation (1990) were visionary. They offered a vision of African people actively participating in public affairs, not as passive citizens, but as active shapers of Africa's destiny.

2. The key organs that have been established since 2001 include the Assembly of the Union, the Executive Council, the Permanent Representatives Committee, the Pan-African Parliament, the Commission, the African Court of Justice, the African Court on Human and Peoples' Rights, the Economic, Social and Cultural Council, the New Partnership for Africa's Development and the Peace and Security Council. In 2007, the AU is yet to establish the proposed financial institutions of the African Central Bank, African Investment Bank and African Monetary Fund.

3. Intended to be comprised of ministers or senior officials, the following are the seven Specialised Technical Committees: the Committee on Rural Economy and Agricultural Matters; the Committee on Monetary and Financial Affairs; the Committee on Trade, Customs and Immigration Matters; the Committee on Industry, Science and Technology, Energy, Natural Resources and Environment; the Committee on Transport, Communications and Tourism; the Committee on Health, Labour and Social Affairs; and the Committee on Education, Culture and Human Resources.

4. At the time of writing, the Assembly of Heads of States and Governments has commissioned a performance audit of the African Union's capacity to realise the goal of political and economic integration. The terms of reference for the audit can be studied at www.africa-union.org. People's opinions on the Union Government and on the progress of the African Union can be read at www.aumonitor.org.

5. Calling for a referendum on steps towards union government as some states have proposed may be legitimate, but such a step could also have been taken prior to the point at which 53 member states adopted the Sirte Declaration and the Constitutive Act, or even before the inauguration of the Pan-African Parliament and the Peace and Security Council.

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FINANCING THE ACTIVITIES OF A UNION GOVERNMENT FOR AFRICA: EXPERIENCES, CHALLENGES AND PROSPECTS

Emmanuel Akwetey

Introduction

Dissatisfaction with the slow pace of the structural transformation and integration of Africa's economic and political architecture and the consequent attribution of the continent's widespread poverty, underdevelopment and marginalisation in global affairs has spurred renewed calls for the establishment of a continental Union Government (African Union 2006). Proponents of the idea of a 'Union Government for Africa' concede that in recent years various measures have been taken to accelerate the implementation of the development and integration strategies associated with the Lagos Plan of Action, the Final Act of Lagos and the Abuja Treaty, which proposed the establishment of an African Economic Community (AEC). They acknowledge that effective implementation of NEPAD as the economic and social programme of the AU is one such strategy. And they further agree that effective implementation of NEPAD programmes and projects could strengthen the rationalisation of the regional economic communities (RECs) and their eventual consummation into the AEC at a much faster pace.

However, a counterargument postulates that without a strong pan-African political authority at the centre, moving towards the AEC and making Africa a more cohesive and influential global actor are unlikely to occur soon under the existing relationship between the AU, the RECs and the member states. Among the major factors noted as impeding progress are the poor record of implementation of pan-African and regional policies and programmes at the national level, the weak oversight of the operations of the RECs and the lack of a central mechanism for steering and coordinating them in a common direction. Proponents argue that the establishment of a Union Government for Africa as an enhanced supranational executive authority will change the situation positively, yielding better results.

Accordingly, the proposed Union Government is conceived as a tool for 'full political and economic integration leading to a United States of Africa' (African Union 2006). Among other attributes, the proposed Union Government would have the unique potential of being able to do the following:

- Producing most types of food and agricultural produce throughout the year

- Exploiting its capabilities more effectively with reference to promoting trade, education and health of its economies and peoples

- Reducing the prevailing over-dependence on the external world, particularly with regard to funding and technical assistance, including technology, and

- Overcoming the marginalization of the continent in world affairs through increased exploitation of its potential

In the quest to steer the collective developmental efforts of the people and governments of Africa, as well as the RECs, in the desired direction the future union government of Africa will operate in the following 16 strategic 'focus areas':

- Continental integration
- Education, training, skills development, science and technology
- Energy
- Environment
- External relations
- Food, agriculture and water resources
- Gender and youth
- Governance and human rights
- Health
- Industry and mineral resources
- Money and finance
- Peace and security
- Social affairs and solidarity
- Sport and culture
- Trade and customs union
- Infrastructure, information technology and biotechnology

Of the 16 focus areas one, i.e. continental political integration, has been operationalised into a three-phased plan of action that should be implemented over a nine-year period, initially scheduled from 2006 to 2015 (African Union 2006:32-34). But that timeframe has not been acted upon as the AU Assembly has so far refrained from formally adopting the proposal.[1] Beyond political *integration*, however, the 15 remaining 'strategic areas of focus' are yet to be operationalised into rationalised programmes and

projects for implementation by both the RECs and the sovereign member states and governments of the union.

However, it has been suggested that the implementation of the 16 priority focus areas should be guided by the 'principle of *gradual incrementalism*', i.e. that they all 'need not be covered at the same time' (African Union 2006). Incremental implementation raises the possibility for some of the proposed activities to be incorporated into the regular activities of the AU and related programmes such as NEPAD, while new systems and mechanisms for implementation and coordination are established at the regional and national levels for new or emergent activities.

Funding of both the core and ancillary activities under the 16 focal areas may be challenging. Assuming that all that needs to be done to define the activities of the Union Government clearly into prioritised and budgeted programmes and projects was achieved, from what sources could funds be mobilised to support their implementation? What challenges confront the effective mobilisation and deployment of such funds?

Further, given the AU Assembly's recurrent deferment of decisions on the formal adoption of the implementation of proposals for the establishment of a Union Government for Africa, what is the likely disposition of the member states and government, as well as the RECs, toward the financing of the proposed activities of this government? What have been the experiences and lessons of financing pan-African integration institutions and programmes in the past? What are the challenges and prospects for enhanced financing of the African Union Government in the future?

Challenges for financing a Union Government for Africa

To answer the above questions, this paper first examines the experiences and lessons of financing pan-African institutions in the past. Thereafter, the dilemmas of financing the proposed activities of a future Union Government for Africa are discussed.

Past experiences and lessons

Historically, the record of African states and governments honouring their financial commitments or obligations towards the pan-African institutions of which they are members has been poor. Although their financing of the OAU

and its activities during the liberation and anti-apartheid struggles was laudable, individual member states' subscriptions and other financial contributions were clearly inadequate and could hardly sustain the OAU as a self-financing organisation. Given the disparities in wealth and resource capabilities of the member states and the fact that the majority of Africa's post-independence states have poor, commodity-export dependent economies, the sharing of the burden or responsibility of financing of the OAU was understandably unequal. A handful of member states with strong economies took on a greater part of the financial responsibilities of the OAU than the poor majority.

However, it bears mentioning that, besides the wealth of individual member states, the clarity of the pan-African ideology and strategic agenda for accelerating the political and economic integration and development of the continent and the Diaspora was crucial. Newly independent and poor African countries once demonstrated a strong commitment to financing the OAU and its agenda for the liberation of the continent, including the anti-apartheid struggle, because of the strong belief of their leaders that the overall development of the continent was linked to the total liberation of all African countries from colonialism and foreign domination.

However, in the 1970s and 1980s, as the majority of African countries suffered severe financial and economic crises, partly owing to the external shocks associated with oil price hikes and bad international debts, as well as internal mismanagement of the economy, the ability of individual countries to meet their financial obligations towards the OAU dwindled in tandem. Consequently, the financing of the OAU became the shared responsibility of African governments and foreign aid donors, with the share of the latter increasing over time while the contributions of the African governments dwindled.

Further, in the 1970s and 1980s, the perception of the OAU as the foremost pan-African organisation spearheading the liberation and development of the continent changed somewhat. The emergence of RECs such as the ECOWAS (Economic Community of West African States) and SADC (Southern African Development Community) led to the separation of the OAU's liberation function from its development purpose. The OAU mandate was increasingly reduced to leading and coordinating the liberation and anti-apartheid struggle, while the developmental role was steadily assumed by or assigned to the RECs. This change had far-reaching financial implications. Member states now had to split their financial obligations toward the pan-African political and economic integration between the OAU and the RECs. Similarly, foreign aid donors also had to share their grants not only among member countries

and between them and the OAU itself, but also with the RECs. In time, the proximity factor and the primacy of the development agenda affected the interest and capacity of the member countries and donors to meet their financial commitments to the OAU.

Member countries for whom issues of liberation and armed struggle were no longer a priority encountered the OAU as a distant entity that had diminishing relevance to the solution of their immediate developmental problems at country and subregional level. In that regard the RECs were seen and engaged as the more proximate entity pursuing a subregional economic development and integration agenda that had a direct bearing on the individual countries. Protocols on the 'free movement of goods and people', for instance, adopted and implemented within the subregion were widely perceived as a tangible benefit of association with ECOWAS and SADC, for example, rather than with the OAU. Consequently, confronted with a dwindling financial resource base on which to draw to discharge its financial obligations towards a growing number of international, pan-African and regional organisations, individual African governments had in the past veered more towards the RECs than the OAU.

Finally, the ability of the individual member countries to discharge their financial commitments to the OAU promptly and in full was also driven by the extent to which they perceived the OAU as a more effective platform for pursuing national interests and strategic foreign policy interests. In the past, member countries of the OAU such as Ghana, Nigeria, Algeria, Morocco, Egypt and later South Africa became major financiers of the pan-African organisation, which they perceived as providing a viable platform for pursuing their individual national and pan-African interests. It follows that those countries that saw relatively little utility in using the OAU turned to alternative platforms. In that regard the francophone platforms such as the Franco-African organisation and UEMOA (the West African economic and monetary union), like the corresponding platforms of the anglophone Commonwealth and the lusophone bloc, functioned as parallel structures to the OAU where they also pursued their national and common interests.

The review of experiences with financing the OAU in the past has raised issues and drawn attention to lessons that appear still to be relevant to the financing of pan-African institutions and initiatives in the 21st century. The first lesson is that the ability of member countries to finance pan-African projects is determined partly by the strength of their wealth and financial resource base and partly by the clarity of the pan-African ideology and the judgement that individual member countries make of the usefulness of the platform or

forum that the pan-African institution provides for effective pursuit of their strategic national and foreign policy interests. Thus, although the majority of member countries of the OAU were poor, they rose to the occasion and drew on their limited resources to support the post-independence liberation and anti-apartheid struggle when they felt that it was in their national and foreign policy interest to do so.

Secondly, competing demands on the financial resources of both member countries and foreign aid donors affect the discharge of their financial obligations or commitments towards the OAU in favour of the RECs and other parallel regional organisations. Thirdly, it can be inferred from the review that the capacity to deliver a public development good or benefit closer to the populations at regional and country level also determined the weighting that went towards financing the activities of the OAU vis-à-vis the RECs. The historic splitting up of the liberation and development mandates or functions of the OAU and the subsequent assumption of the developmental function by the RECs appears to have been well received. This has had far-reaching implications for the level of funding that the individual member countries and/or blocs may be prepared to commit to the activities of the future African Union Government.

Current practice

The extent to which the factors determining the financing of the pan-African organisation had changed or not can be inferred from how the AU is currently financed. The AU's financing requirements can be divided into 'financing of coordination functions' on the one hand and 'financing of development activities' on the other. The coordination function is generally financed through membership contributions paid as annualised subscriptions and/or additional or supplementary contributions. In addition to membership subscriptions, donors or development partners also contribute to the financing of the AU's functional or operational budgets. Both sources do not yield the full complement of funds required for the effective running of the Union. Therefore, periodically, a handful of wealthy member states and governments also make substantial one-off 'donations', in addition to their annual subscriptions, such as financing important meetings, missions and technical work. Notable among the current African 'large donors' of the AU are Algeria, Egypt, Libya, Nigeria and South Africa.

Questions have been raised about the size of members' contributions, based on a widespread view that the amount stipulated for member states

and governments to pay as 'assessed contributions' are either too small or clearly inadequate, in light of the radical and ambitious mandate of the AU compared with the OAU. Assessed contributions, it has also been observed, do not evenly share the burden and responsibility of financing the AU and the situation is unlikely to change with respect to the future Union Government. The problem is complicated further by the failure of a significant number of member states to fulfil their financial obligations towards the Union. The non-payment or delayed payment of the relatively small amount of annual subscriptions or contributions has been and remains a persistent problem, partially contributing to the growing dependence of the AU on donors and other 'international cooperating partners' to finance its operational budget.

Because members' contributions tend not to be adequate, the financing of the *development activities* of the AU has been met largely from *additional sources*, mainly official development assistance (ODA) by multilateral institutions such as the EU and bilateral development agencies of governments in the industrial countries of Europe and North America, such as Germany, France, Great Britain, Denmark, Spain, Italy, Denmark, Canada and the USA. Asian countries such as China, India and Malaysia have also become important contributors, as have Arab countries such as Saudi Arabia. Lately, African mechanisms such as NEPAD and the African Capacity Building Foundation (ACBF) are playing important roles in the enhanced financing of the AU. In addition to making direct contributions, these organisations are involved in the campaign to have the rich industrialised countries increase aid to a target of 0,7 per cent of GDP. A share of the increased aid could then be allocated to enhance the financing of development activities at the continental level.

These campaigns have also extended to debt relief initiatives, which are expected to make additional resources available for financing development at the national and continental levels. Mechanisms such as the EU-Africa summits, the Franco-Anglo-African summits, the G8 summits and the Sino-African summits have provided a forum for the AU and its members to engage the Organisation for Economic Cooperation and Development, the Development Assistance Committee and other donor structures to discuss their ODA relationships, including debt relief. The question, however, is whether the member states and governments will act differently than they did in the era of the OAU by financially promoting the self-financing of an African Union Government while minimising dependency on foreign aid.

Indirect tax schemes in the form of *import levies* and *insurance tax* have also been identified as a potential source of revenue to finance

the development activities of the Union Government. The AU, it has been reported, submitted two proposals to the Conference of African Ministers of Finance in Dakar, Senegal, in May 2005 for consideration. The proposals were subsequently referred to experts for further studies and a definitive decision has not yet been made. A complementary scheme, which was formally submitted to the AU in March 2005 through ECOSOCC (Economic, Social and Cultural Council) by African civil society organisations, proposes that a levy of $5 be imposed on each air ticket bought for interstate travel and $10 on each ticket bought for travel between Africa and the other continents. These international levies on aviation have been developed as innovative and practical methods of financing the development activities of the AU and the future Union Government in the medium to long term.

At the 9th Summit of the AU in Accra, Angola also proposed another innovative scheme, i.e. the setting up of an African Union Solidarity Fund into which African countries that export mineral resources (including oil and gas) would make contributions, provided their net reserves exceeded six months of imports required by the individual countries. Foreign companies operating in Africa with annual net profits of over $200 million would also be made to contribute to the fund. Angola proposed that negotiations with such companies might result in the allocation of, say, five per cent of their net profits to the fund. Finally, voluntary contributions from the private sector in Africa and in the Diaspora, as well as other global sources, should also be considered. This proposal is yet to be considered and operationalised for discussion by the AU Assembly.

Foreign direct investment (FDI) and foreign portfolio investments have been proposed as potential sources of resources to finance development activities at continental, regional and national level in Africa. The problem with these proposals is that they cannot be realised in either the short or the medium term, as the flow of efficiency and market-seeking FDI into the African continent has historically been limited or small. A lot of work involving fast-tracking market integration on the continent to overcome the small size of national and regional markets and limited effective demand is required. Similarly, it is essential to develop and provide adequate and efficient infrastructure services, as well as a skilled workforce. Further, Africa lags behind in the increasing integration of global capital markets. Efforts at promoting policies towards monetary integration and the creation of African financial institutions are ongoing, but are far from impacting significantly on the integration and expansion of capital markets on the continent.

Challenges

Despite the identification of a range of sources from which additional financing could be mobilised in the short to medium terms, as well as the long term, significant challenges have to be overcome to realise that objective. The first of these is how to address the concerns of a critical mass of the members of the AU that potentially constrain the establishment and financing of a supranational African Union Government. Some powerful member countries are concerned that the establishment of a Union Government will escalate the budget of the AU, which has increased by over 100 per cent and keeps growing. The problem for these countries is that all that money has gone into recurrent expenditures, not development projects. These countries would like to see the AU spending less on its bureaucracy and more on projects. Also, some countries feel that the monies they are contributing to the AU are neither well spent nor accounted for, especially with respect to extra-budgetary funds. They are demanding an audit of the financial management of the organisation.

The second challenge is the apparent scepticism about the development mandate and competence of the AU to steer Africa's social and economic integration and development. The activities subsumed under the 16 strategic focus areas appear to some countries to be a duplication of the development projects that are already being undertaken by the RECs, NEPAD and member countries. This has led some countries to ask for clarification not only of developmental roles but also of the ownership of projects by the AU, NEPAD, the RECs and member countries. The contestation over the pan-African development mandate and ownership of regional projects partly accounts for the protracted debate on whether NEPAD, often touted as the economic and social development programme of the AU, could be better steered directly by the AU or as an autonomous entity.

Thirdly, the intensity of the debate and apparent disagreement over the development role of the AU has revived the argument about the sovereignty of member states vis-à-vis the proposed Union Government for Africa. So long as the contestation over development mandate, ownership and sovereignty rages on, the member countries engaged are unlikely either to increase or to discharge their financial commitments toward the AU in a sustained manner. The additional financing situation is further complicated by the unwillingness of member governments either to impose or to adopt measures to increase financing of the AU and, for that matter, the future Union Government, through increased tax revenue.

For instance, in relation to the proposals for direct and indirect taxation, as well as the proposed air transport levy, opponents have argued that only a few African countries have developed and advanced service sectors where taxation on insurance services and import duties could yield substantial revenue for the AU. In fact, South Africa may be the only country to which this would apply and, if it decides to, it would be required to contribute about 80 per cent of these taxes to increase the financing of the AU. In relation to direct taxation, the challenge remains the low level of awareness across the continent on the part of large segments of the population about the activities of the AU and benefits to be derived from paying increased taxes to support the continental body. And should increased awareness trigger greater willingness by African citizens to finance the AU and the future Union Government through direct taxes, the mechanisms for collecting and remitting such taxes to the AU from all 53 countries are yet to be devised and implemented.

With regard to the proposal to implement a transport levy on air tickets, it has been noted that very few African countries, apart from Ethiopia, South Africa and Kenya, have enough planes to yield substantial revenue. Besides, enforcing that measure would not only prove discriminatory but also risk discouraging tourists from travelling into Africa. Since African countries have little control over the air travel and transportation market at the moment, it would take support in the form of solidarity by the governments and private business actors that control the sector to adopt and implement such a levy and accordingly raise substantial revenue as anticipated.

There is also the situation that a few states with higher GNPs bear most of the burden of AU contributions. This has been viewed as neither fair nor democratic. There is a feeling that the prevailing practice enables a few countries to wield enormous power and influence over the decisions and operational agenda of the AU. In the past, Libya, Morocco, Nigeria and South Africa have determined the agenda of the OAU and the AU in a manner that is disproportionate to the total membership of the organisations. The persistent challenge is how to get the majority of AU countries to increase their contributions to the AU on a sustained basis, progressively reducing the AU's dependence on foreign aid and the substantial donations of the minority of 'rich' AU members. However, there are other points of view, postulating that the 'rich' minority and the RECs should lead in the financing of the development activities of the future Union Government, essentially because they can afford a bigger share of financing and also to demonstrate leadership in the creation of the supranational political authority.

Another major challenge is the tension or strain that is generated between the AU and the RECs and the member states over their competitive links to the same sources of international development financing. Drawing on the same pool of dwindling foreign aid, the AU's member governments, the RECs and the AU itself compete for but are unable to secure adequate funding to support their individual development activities. So far, the majority of the rich donors have not met their ODA target of 0,7 per cent of GDP and the promise of increased aid, as recommended by the Commission for Africa and decided upon at the Gleneagles G8 Summit in 2005, remains unfulfilled. Above all, in the existing dependency relationships, donors have acted more in favour of the member states and the RECs, with which they have been dealing for several decades, than of the AU.

Conclusion and policy recommendations

This paper has discussed experiences and lessons, as well as current practices and challenges, relating to the financing of the AU and its predecessor, the OAU. The rationale for the discussion was to determine how the proposed developmental activities of the proposed Union Government for Africa could be financed from regular and additional sources. The review and discussions on past and current funding practices have shown clearly that funding, and for that matter sustained financing, is one of the major challenges to the establishment of a Union Government in the future. The discussions show that the challenge is not simply a question of inadequate funding or increasing the level of financing, but also involves the matter of intense ideological and political disagreement on the issues for which additional financing is or may be required. These range from the development mandate and competence of the AU in implementing development programmes to the relationship between the future Union Government on the one hand and the RECs and member governments on the other. The disagreement between the proponents and opponents of the Union Government proposal has made the idea of a Union Government for Africa a hotly-contested concept, raising a broad range of issues that would require painstaking analysis, deliberation, dialogue and consensus-building to resolve them effectively.

As long as the contestation persists and the political dialogue and consensus-building required for the effective resolution of the issues have not yet taken place, a common understanding does not exist on the need for all the member governments of the AU to improve their record of paying their contributions to the AU. Further, without a broad-based agreement, the prospect of increasing the contributions of individual member countries

to support the operationalisation and implementation of the strategic focal activities proposed in the AU Study on the 'Union Government' and the 'United States of Africa', appears to be rather slim. Yet the need for political consensus, albeit among a critical mass of member countries, is all the more urgent because of current negativity among the minority member countries regarding a perception that the major African financiers of the AU, notably Libya, Nigeria, South Africa, Algeria and Egypt, have forestalled collective and strong leadership in resolving the issues.

In the circumstances, the currently under-resourced AU is becoming more dependent on foreign aid in playing its emerging developmental roles in the economic and social advancement of Africa in the 21st century. However, as this paper points out, increased flows of foreign aid are not assured, as the Commission for Africa's recommendation and the subsequent decision of the Gleneagles G8 Summit on the increasing of aid by the rich countries to support the economic and social development and integration of Africa has not yet materialised, and may not do so soon. Although the AU has been looking towards China to fill the financing gap, created jointly by the low contributions of the member states and inadequate aid from the developed countries, it must also be emphasised that a future African Union Government would not be able to function effectively as a foreign aid-dependent entity. If aid dependency were able to accelerate Africa's development and integration, the individual member states and governments that have been heavily dependent on foreign aid in the past would have developed over that period.

It is imperative for the member states and governments of the AU to take full responsibility for ensuring that the pan-African organisation and any future Union Government for Africa will not be heavily dependent on foreign aid, but rather able to rely on the assured contributions of the member countries and the RECs. In that way, a future African Union Government would become more self-financing and autonomous and would be empowered to draw on its own resources to accelerate the implementation of the programmes adopted to integrate Africa economically and politically at the regional and national levels in the 21st century.

Note

1. Although the 8th Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia (January 2007) reviewed the proposal for the establishment of a Union Government for Africa, it did not formally adopt it, deciding instead to hold a 'grand debate' at the 9th Ordinary Session of the AU Assembly in Accra, Ghana,

in July 2007. At that session, the grand debate also ended without the adoption of the proposals. Rather, a decision on the proposals was deferred to the 10th Ordinary Session of the AU Assembly in Addis Ababa in January 2008.

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FROM ROOTS TO BRANCHES: THE AFRICAN DIASPORA IN A UNION GOVERNMENT FOR AFRICA

Hakima Abbas

Introduction

With the roots of modern pan-African thought entrenched in the African Diaspora, the transition from the OAU to the AU in 2001 finally signalled systemic institutional Diaspora inclusion in the continental unity project with the recognition of the Diaspora as the sixth region of the AU. In its Constitutive Act the AU declares that it shall 'invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union' (African Union 2000:article 3(q)). While some argue that the African experience – the rights and responsibilities of being an African – is uniquely continental and that African institutions have enough to address with issues of good governance, human rights and development in Africa, others speak of the Diaspora solely in terms of its contribution to the development of the continent. This paper will argue that pan-African unity is only possible with the inclusion of the Diaspora and will challenge the notion that a one-directional relationship will suffice. Further, while acknowledging the challenges, this paper will present recommendations for the effective engagement of the Diaspora in the African Union and the building of a 'United States of Africa'.

Defining the Diaspora

The African Union has defined the Diaspora (African Union 2005) as '[consisting] of people of African origin living outside the continent, irrespective of their citizenship and nationality, and who are willing to contribute to the development of the continent and the building of the African Union'. This definition has caused some debate regarding the interpretation of 'African origin', which may include people of African origin but of Asian or European ancestry such as émigrés of East and Southern African states. These identity debates are not exclusive to the African Diaspora but also occur with discourse related to continental Africa. Some argue, for instance, that North African Arab populations, being settler communities, should not be included in the pursuit of African unity and point to the Darfur crisis to draw attention

to the continued colonialisation project, or Arabisation, inflicted on the so-called black Africans of the region (Chinweizu 2007). Yet rather than creating unity based solely on race or ethnicity, the mainstay of the pan-African project has been inclusion based on shared values and a common history (M'bokolo 2004). Indeed, the divisions of sub-Saharan and North Africa were only entrenched by European colonialism, so that pan-Africanism was the call of liberation fighters from Algeria to Egypt during the decolonisation period as much as it was in the east, west and south of Africa. Similarly, the Diaspora is a self-identifying community rallying to the call for pan-African solidarity and unity, hence the clause 'who are willing to contribute to the development of the continent and the building of the African Union' in the current AU definition, which circumvents these contentious debates. This clause could indeed be expanded further to explicate a shared vision and striving toward self-determination as the fundamental principle of pan-Africanism.

> The sheer size of the continent and the dispersion of peoples of African descent has meant that the pan-Africanist project has had to come to terms with a wide range of identities, interests and concerns. The identities include gender, ethnicity, nationality, religion, race and geographical allocation, to name only a few. While at times, the conflicts arising from some of these identities can put the pan-African project under severe stress (e.g. the tragedy of Darfur), I do not believe that the failure of pan-Africanism can be attributed to lack of identification with Africa by Africans mired in their diverse identities, as it is often stated. (Mkandawire 2004)

The African Diaspora has a tremendous reach both in size and in scope – from the millions of self-identifying Africans in the Americas to the Diaspora populations in China and France, from policymakers in the halls of Washington DC to grass-roots organisers working for the rights of Garifuna communities in Honduras. While this array provides for a wealth of opportunity and perspectives, it also begs the question of how to engage such a diverse population in the unity of Africans. Rather than attempting to narrow the heterogeneity of African peoples globally, the process of defining the Diaspora allows for strategies to be constructed that target the diverse peoples of the Diaspora more effectively, taking into account their political, social and economic realities, ties to the continent and historical experiences.

For the purposes of considering the potential role of the Diaspora in continental integration, it may be useful to categorise three broad groups of African Diaspora communities based on their representation and collective power. The first belongs to African nation states outside of the African

continent, such as the countries of the Caribbean, including Haiti, Jamaica, Grenada, etc. African peoples in these countries make up the majority of citizens and their government is composed of representatives of African descent. The second group of African Diaspora communities are those who may be considered 'stateless' in African terms as they are not represented by governments of African peoples and are minorities in their countries of citizenship. This category would include communities of African descendants in the USA. The third classification of African Diaspora peoples are those who continue to hold citizenship in their African country of origin or have been naturalised in another state but are recent émigrés from Africa with close familial and generational ties to the continent.

While useful in attempting to deconstruct issues of representation and power for the purposes of assessing the potential role and effective engagement of these communities in pan-African unity, these categorisations are by no means exhaustive or definitive. Particularly, they fail to embody into a single category examples of Diaspora communities such as Afro-Cubans, who are a minority population in Cuba but whose government has contributed to the furtherance of a pan-Africanist agenda. This is exemplified by the concrete solidarity provided by the Cuban government for the southern African liberation struggle, which, though defined in terms of internationalism, substantially involved Afro-Cuban community efforts and furthered the cause of pan-Africanism. Throughout this paper, the term African is used to connote any person or community of African origin, whether on the continent or in the Diaspora. Geographic location will be specified when clarity is required as to their residence.

The Diaspora and pan-Africanism

Pan-African ideology is considered to have fermented as a direct response to European colonialism and slavery. From these horrors and the widespread and systematic violations of human and peoples' rights experienced by African peoples on the continent and in their new environments of the Americas and Europe was built a collective sense of identity and an understanding of the need for collective action. The first pan-African liberation movements were the spontaneous rebellions of African women and men on the slave ships crossing the Atlantic Ocean and spread through the continuous resistance on the continent and in the Diaspora against colonialism and slavery. In some instances these rebellions led to successful revolution, as in the liberation of Haiti as the first independent African nation in the Western hemisphere. Though dispersed, the shared oppression experienced by African peoples

globally have birth to shared identity, collective consciousness, recognition
of tied fate and goals of united liberation.

> During the process of their becoming a single people, Yorubas,
> Akans, Ibos, Angolans and others were present on slave ships to
> America and experienced a common horror – unearthly moans and
> piercing shrieks, the smell of filth and the stench of death, all during
> the violent rhythms and quiet coursing of ships at sea. As such, slave
> ships were the first real incubators of slave unity across the cultural
> lines, cruelly revealing irreducible links from one ethnic group to the
> other, fostering resistance thousands of miles before the shores of the
> new land appeared on the horizon – before there was mention of
> natural rights in North America. (Stuckey 1987)

Adapting and evolving through the different phases of African peoples' history,
the manifestations of pan-African ideology have evolved from uprisings
under visionary leaders who sought unity of African communities against the
colonialists, to liberation from direct colonialism with populist leaders, such
as Amilcar Cabral, who led the people of Guinea and Cape Verde against the
Portuguese, to the institutionalisation of the ideology in our current post- (or
neo-) colonial era through the initial formation of the OAU with its focus on
supporting liberation from colonialism and the current African Union aiming
for the eventual political, social and economic integration of Africa. While
the pan-African movement was only named in the 20th century as it was
refined, defined and advanced by activists, political leaders and scholars
such as WEB du Bois, Marcus Garvey, George Padmore, Kwame Nkrumah
and Gamel Abdul Nasser, among others, at its core the strength of the pan-
African movement and ideology has been its adaptability to changing times
and political landscapes and its ability to maintain the underlying precept of
a linked fate among African peoples globally with an aspiration toward self-
determination. In this new millennium pan-Africanism continues to be the
rallying call for the liberation of African peoples for the guarantee of human
rights and human dignity, whether at the grass-roots level through landless
peoples' movements, through activities of women's rights organisations rallying
for the ratification of protection treaties, or in the halls of the AU where
heads of state and government deliberate on a union government. It is at all
these different levels that the peoples of Africa, on the continent and in the
Diaspora, must unite to create change and empower ourselves toward the self-
determination and human dignity of our people everywhere.

While the pan-African movement was at its core a global African project, the
OAU failed to mobilise African peoples in the Diaspora effectively, beyond

acknowledging their role in furthering the ideology of pan-Africanism. Despite this, there continued to be contributions, exchange and solidarity among the global African population. Africans in the Diaspora continued to recognise the continent as the 'motherland', contribute economically through remittances and the establishment of businesses as well as mobilise against gross violations of rights on the continent, including the system of apartheid in South Africa. Such initiatives in the United States, where an estimated 40 million Africans reside, include those initiated by Dr Leon Sullivan, who developed the 'Sullivan principles', which provided the framework for US corporate divestment from South Africa during apartheid. Dr Sullivan also initiated summits with the purpose of uniting 'people of African heritage with Africa and to build a bridge from America and other parts of the world to the African continent' (African Union 2003). The first such summit was held in Côte d'Ivoire in 1991 and included the participation of Africans from the USA as well as continental African heads of state and OAU officials. The next Sullivan summit will take place in Arusha, Tanzania, in June 2008. Further to such initiatives, the global anti-apartheid movement was spearheaded by Africans in the Diaspora such as exiled South African artists Miriam Makeba and Hugh Masekela, but also by African descendants in the USA such as activist Randall Robinson, who led TransAfrica as a powerful force in the movement, not to mention the countless grass-roots African peoples' organisations that contributed funds, material support and mobilisation within the USA and other countries of the Diaspora to support the South African struggle against apartheid.

African Union engagement of the Diaspora

In recognition of the limitations of the OAU, which was a successful body for the liberation from colonialism but lacked the framework to advance African peoples' cause in the era of neocolonialism and globalisation, the AU was formed in 2002. This new pan-African institution recognised the need to reach the Diaspora in a more systematic and concerted manner in order to address the continued imperialist assault on the continent and the new methods of exploitation employed. In February 2003 Senegal proposed an amendment to the AU's Constitutive Act so as to formally integrate the Diaspora into its policy framework. The heads of state and government adopted Article 3(q), stating that the AU shall 'invite and encourage the full participation of the African Diaspora as an important part of our continent, in the building of the African Union'. This amendment was a landmark shift in policy, beginning the long-awaited outreach to African peoples globally in the institution-building of Africa.

One of the first initiatives of the AU was the Western Hemisphere Diaspora Forum, which was convened in Washington DC in December 2002. The forum aimed to establish a framework through which the African Diaspora would be mainstreamed in the activities of the AU. The purpose of the forum was to sensitise and mobilise the support of governments and people of the Diaspora for the AU objectives and goals. Out of the forum the Western Hemisphere Diaspora Network (WHADN) was established to interface with the AU Commission. The Network has organised the Diaspora in the Americas into five subregions – Latin America, the Caribbean, Brazil, the USA and Canada. WHADN's mission is 'to encourage and facilitate the utilisation of the collective talents and resources of the African Diaspora in the Americas and Caribbean to advance the collective interests of Africans on the continent and throughout the Diaspora' (WHADN nd). The Network set up permanent working groups to formulate proposals for effective collaboration on development issues such as health and education and decided to establish an AU Education Endowment Fund and an AU Trade and Economic Development Forum for the US Diaspora and agreed on measures for contributing to these funds.

In addition to WHADN, the AU is currently establishing other Diaspora secretariats in Europe and Ghana. In 2003 the AU presented the framework for collaboration with WHADN to the World Bank for funding of the project. As with many of the endeavours initiated with great enthusiasm and rhetorically sound principles, the very basis of their foundation is jeopardised by our mental dependency on support, material or otherwise, from the very institutions that cripple our development. It should be within the principles of self-determination upon which pan-Africanism rests that we advance such initiatives as African peoples' unity, but instead these initiatives are threatened by the co-optation or dilution of their agenda by the involvement of institutions such as the World Bank. Rather than looking outward for funding, it would serve the pan-African mission to look inward for support.

> The next step was a question of strategy; that although the British government and the British People (with the die-hard imperialists) acknowledged the legitimacy of our demand for self-government, it was only by our own exertions that we would succeed. (Nkrumah 1973)

Another framework for the inclusion of the Diaspora initiated by the AU is the Diaspora Initiative, which outlined the potential contribution of the Diaspora to the African Union,[1] emphasising material and technical along with policy and advocacy support. This elaboration recognises the flow of between $14 billion and $17 billion per year (African Development

Bank 2007) from the Diaspora to Africa in the form of remittances and the contribution of skills and technical expertise by the people of the Diaspora to the continent, as well as the political support that the Diaspora has provided for campaigns for change in Africa. This contribution should aspire to end the reliance on external actors, such as international financial institutions and aid agencies, for the development of Africa and create African peoples' solutions for Africa (Araya 2007). At the Western Hemisphere Diaspora Forum the interim chairperson of the African Commission noted that the objective was to empower the Diaspora to contribute effectively to the actualisation of AU objectives, growth and development, but also that the AU-Diaspora collaboration would be sustained and reciprocal.

This reciprocity is indeed particularly important when one considers the linked fate of Africans globally, which is one of the fundamental tenets of pan-African ideology. It is indeed no accident of history that the liberation struggles across Africa coincided with the human and civil rights movements across the Diaspora. As stated by El Hajj Malik El-Shabazz (also known as Malcolm X) at the 1964 OAU summit in Cairo, Egypt: 'Since the 22 million of us were originally Africans, who are now in America not by choice but only by a cruel accident in our history, we strongly believe that African problems are our problems and our problems are African problems' (Malcolm X 1964). The Diaspora Initiative of the African Union outlined 'what the Diaspora may expect' from the AU as 'a measure of credible involvement in the policy making processes, some corresponding level of representation, symbolic identifications, requirements of dual or honorary citizenship of some sort, moral and political support of Diaspora initiatives in their respective regions, preferential treatment in access to African economic undertakings including consultancies, trade preferences and benefits for entrepreneurs, vis–à-vis non-Africans, social and political recognition as evident in invitation to Summits and important meetings etc.'(African Union 2003).

The Diaspora in the Union Government

Though the call for a United States of Africa was first made by Jamaican-born pan-Africanist Marcus Garvey in 1924, the formation of the OAU was a compromise between those African leaders of newly-independent states who believed in the immediate federacy of Africa and those who felt that national sovereignty and nation-building must first be the priority of post-colonial Africa, preferring a cooperative organisation rather than a federation. In 2007, as Ghana celebrated its 50th year of independence, the concept and debate was revitalised at the AU summit when heads of state

and government convened for the 'Grand Debate on a Union Government'. A study on an 'African Union Government' was commissioned by the AU (2006) and was the cornerstone of the debate among heads of state. The study defined the three pillars of the pan-African movement as '[s]hared historical and cultural values; collective self-reliance and self-sufficiency; political freedom' (African Union 2006). Further, the study defined the values that should guide a Union Government as adherence to the rule of law, popular participation in governance, respect for human rights and fundamental freedoms and transparency in public policymaking. A conference entitled 'Desirability of a Union Government of Africa', convened by a committee of African heads of state and government and chaired by the President of Uganda in November 2005, concluded that the necessity of a Union Government was in no doubt and that it should be a union of African peoples, not simply of states. The subsequent study on the union government proposed a phased approach toward a 'United States of Africa' and elaborated the institutions and mechanisms through which the Union Government would carry out its mandate for a people-driven union. This included concretely detailing the role of current AU organs and specialised bodies in a future Union Government. Of particular significance in engaging the Diaspora are the Pan-African Parliament (PAP), the Economic, Social and Cultural Council (ECOSOCC) and NEPAD.

The Pan-African Parliament

The PAP is the legislative body of the AU. Formed in 2004, it has advisory and consultative powers and in five years is expected to exercise full legislative powers. With 265 parliamentary representatives elected by the legislatures of the 53 AU states, the PAP has ten permanent committees, a president and four vice-presidents from the five regions of Africa. It is a key institution for the participation of civil society in policymaking and the monitoring of policy implementation. According to the protocol establishing the parliament, it can 'discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly' (Organisation of African Unity 2001). The study on a Union Government recommended that the PAP should be a legislating parliament within the union, elected by universal suffrage with proportional representation.

The PAP lists the following among its objectives (Organisation of African Unity 2001): to 'facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union', 'familiarize the peoples of Africa with the objectives and policies aimed at integrating

the African Continent within the framework of the establishment of the African Union', 'contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery' and 'strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa'. The engagement of the Diaspora is key to the achievement of these objectives. In order for the AU to give full effect to its recognition of the Diaspora as the sixth region of the Union, there should be representation of the Diaspora in the PAP as well as engagement of Diaspora civil society with the PAP. A framework for such inclusion should be formulated, perhaps by the AU secretariats of the Diaspora, taking into account the diversity and geographic spread of the Diaspora as well as the issue of representation and African 'statelessness' of some communities. This Diaspora inclusion should be systematised through an amendment to the protocol establishing the PAP and adopted by the AU heads of state and government.

One suggested model for PAP-Diaspora engagement and inclusion is a pan-African parliamentary union between the PAP and Diaspora representative bodies such as the US Congressional Black Caucus (CBC) (Murithi 2005), the council of ministers of the Caribbean Community and Common Market (CARICOM) and the Black Parliament of the Americas. The CBC is made up of African descendents elected to the US Congress. While often voted for by African communities in the USA, their mandate is to help shape and define US national interest. Given both the contentious relationship between the African population of the US with the state and the imperialist role of the US in global politics, there is certainly some reservation about the CBC's role in the building of a United States of Africa and as representatives of the African community in the USA. Melvin Foote (2005) suggests that the CBC is 'uniquely positioned to seize the role as the leading voice to mobilise support in the United States for Africa, particularly with African-Americans. To be successful, the CBC must effectively communicate and sell a comprehensive, practical agenda for Africa to their US constituents.' While the CBC could advance the AU mission in the USA, this lacks the reciprocity element of Diaspora engagement with the AU and may not be effective in bringing African descendants' voices to the AU. Furthermore, the question of whose interests would be represented by the CBC at the PAP – the African peoples of the US or the US government – is valid when one considers the aim of furthering the global pan-African movement toward self-determination. However, it may also be noted that the same question could be asked of continental representatives with regard to the peoples of Africa and whether indeed it is true in many states that political representatives represent the will of the African people.

African parliamentary bodies that should be engaged by the PAP also exist in other Diaspora states of the Americas. Further to national parliamentary bodies, the first meeting of African legislators of the Americas and the Caribbean was held in 2003 at the *Câmara dos Deputados* (Chamber of Deputies) in Brasilia, Brazil, with the aim of reviewing the progress made by represented states in combating racism in accordance with the World Conference Against Racism Declaration, held in 2001, and to create a Black Parliament of the Americas, which was finally established in Costa Rica in 2005. The historic creation of such a parliamentary assembly in the Americas should be recognised and used by the AU by engaging these elected representatives in the PAP.

Similarly, the PAP may engage and choose a framework for election from bodies such as CARICOM's council of ministers which 'shall, in accordance with the policy directions established by the Conference, have primary responsibility for the development of Community strategic planning and co-ordination in the areas of economic integration, functional co-operation and external relations' (CARICOM 2001). There have been numerous initiatives and cooperation between the AU and CARICOM in the past, particularly through forums such as the African Caribbean and Pacific Group (ACP), the Commonwealth and the UN, but also including initiatives such as the AU conference co-sponsored by the governments of Jamaica and South Africa in 2005 under the theme 'Towards Unity and United Action by Africans and the African Diaspora in the Caribbean for a Better World'. At this conference representatives from CARICOM member states and civil society recommended the institutionalisation of the relationship between the AU and CARICOM, identified areas for collaboration and the building of linkages between states in the regions, called for collaboration among civil society and agreed that CARICOM and the AU would explore ways to harness international diplomacy to promote mutual objectives (Diaspora Conference 2005). Indeed, an issue that has highlighted both the need for continental unity and for a global pan-African position is the current economic partnership agreements (EPAs) between the EU and the ACP countries. While the EU is negotiating these trade agreements as a united bloc, the ACP countries are negotiating as individual states and subregional blocs rather than as an ACP bloc or even a global African bloc, which would strengthen their position greatly and reduce the potential detrimental effects of these negotiations on the development of Africa and the other regions. While at the state level these negotiations have highlighted the lack of a pan-African voice, civil society organisations (CSOs) have been able to establish a common African position, as is demonstrated through the 'Stop EPA' campaign. More positive in terms of regional alliances has been the consensus developed

between CARICOM and the AU regarding their position on UN reform. The engagement of Diaspora parliamentary bodies with the PAP would be critical in formulating and determining these common positions; however, more study and reflection needs to be undertaken to devise the modalities and overcome the complexities of representation. These questions should be considered and adopted before the PAP has full legislative power so that the Diaspora becomes an active member of the parliamentary and decision-making community and that the envisioned universal suffrage is inclusive of Africans everywhere.

The Economic, Social and Cultural Council

It has been suggested 'that strategies based on geographic regions and on phased and prioritised approaches make the most sense for implementation of a Diaspora inclusion process' (Foote 2005). While such an approach appears the most pragmatic when taking into account the Diaspora's potential contribution to African development, it has the potential of discounting the role of the AU in providing 'moral and political support of Diaspora initiatives in their respective regions' (African Union 2003), including human and peoples' rights protection and development. Particularly, if the AU is to target engagement based solely on the collective economic and political power of an African population for the benefit of Africa, the most marginalised and vulnerable African populations, usually 'stateless' in African terms, are likely to remain excluded from the dialogue and policymaking. One of the institutions that has already developed a framework, though not fully implemented, for Diaspora inclusion is the AU's ECOSOCC. Launched in March 2005, ECOSOCC is an advisory organ composed of a General Assembly of 150 CSOs, 20 of which will be from the African Diaspora. While ECOSOCC remains a consultative body of the AU without direct decision-making power, the study on the Union Government notes that ECOSOCC 'must be a bridge not only between the three levels of the Union. It must also play its full consultative role in the decision making process of the Union Government … Specifically, the provisions with respect to the advisory function of ECOSOCC must be revised to ensure that the organ is consulted before vital decisions are made' (African Union 2006). It is necessary for such 'vital decisions' to be elaborated more clearly. However, should these recommendations be implemented to give full effect to ECOSOCC's role, this platform is likely to prove valuable for advocacy on behalf of the people of the African Diaspora and enable some measure of reciprocity in the relationship with the AU. Since the establishment of the Diaspora Initiative there have been several occasions indeed where such support of African

Diaspora communities could have been implemented. Examples include the violations of human and peoples' rights during the 2005 hurricanes Katrina and Rita along the coasts of Mississippi and Louisiana in the USA. While the hurricanes targeted the area indiscriminately, the African Diaspora populations were most affected by the subsequent systematic violations of human and peoples' rights perpetrated by the US government, including lack of protection, forced displacement, arbitrary arrest and extrajudicial killing (Human Rights Network 2006). While many states across the world offered statements of solidarity to the victims and survivors, only the governments of the republics of Cuba and Venezuela urged the US government to end all abusive practices and condemned the subsequent ethnic cleansing of New Orleans. Individual African states and the AU were silent in the face of this crisis. Such solidarity and protection must become systematised for reciprocity to become an action rather than rhetoric.

ECOSOCC has also recognised potential partnership and resource mobilisation as a contribution of the Diaspora in its work (ECOSOCC 2006). Elections are underway in various Diaspora communities for representatives to ECOSOCC and, while it was expected that the modalities for these elections would be particularly difficult to implement, innovative initiatives by CSOs have provided for a range of candidates and election processes (Horne 2006), the lessons of which can be shared across the Diaspora's subregions. However, one impeding criterion for election to the General Assembly of CSOs representing the most vulnerable groups in the Diaspora is that at least 50 per cent of the resources of the organisation must be derived from the contributions of its members. This contradicts the realities for most grass-roots organisations, where members may not have the resources to sustain the organisation and where external funding often contributes a large percentage of net funding. While the tenets of pan-Africanism would indeed aim to attain such self-sustainability, it seems contradictory that the AU heads of state and government should develop such a criterion for CSOs in the knowledge that it would exclude many grass-roots organisations that advance the cause of pan-Africanism.

The New Partnership for Africa's Development

NEPAD is a socio-economic development framework for Africa's renewal, which addresses issues of poverty eradication, sustainable growth and development, the integration of Africa into the global economy and the empowerment of women. The principles of NEPAD include African ownership and leadership, anchoring the development of Africa on its resources and

the resourcefulness of its people, partnership between and amongst African peoples, acceleration of regional and continental integration and forging a new international partnership that changes the unequal relationship between Africa and the developed world (NEPAD 2001). Within this framework NEPAD has established several initiatives to engage the Diaspora in African development. In 2002 NEPAD launched AfricaRecruit, a capacity-building programme that seeks to use human resources and skills-sharing across the African Diaspora to reduce the effects of the 'brain drain' and to attract Diaspora investment in Africa. The brain drain has both financial and societal implications for the continent, with a detrimental impact on the tax system, employment and civil society, making Africa increasingly dependent on foreign expertise. There are an estimated 150 000 expatriate professionals employed across the continent at a cost of $4 billion a year and yet there are more African scientists and engineers in the US than in the whole of Africa (Tebeje 2005). AfricaRecruit aims to research and curb this phenomenon not only by facilitating Diaspora return but also by creating mechanisms for 'virtual' linkage and participation.

According to an African Development Bank (ADB) study, remittances from the African Diaspora stand between $14 billion and $17 billion a year. 'In Mali's case, where 3,5 million out of four million of its expatriates live in Africa, remittances from the Malian Diaspora in France made through official channels reached CFAF 120 billion, which is comparable to the official development assistance (ODA) to the country. For other countries such as Morocco, Senegal and the Comoros, Diaspora remittances respectively account for 750 per cent, 218 per cent and 346 per cent of ODA.' (ADB 2007.) Still, NEPAD has yet to establish programming directed at establishing a means of using remittances to provide 'socially responsible capital directed at the multitude of small and medium-sized enterprises that will create jobs and opportunities for large numbers of marginalized people while producing local goods and services required in the first instance by domestic and regional markets' (Chikezie 2005), thus supporting long-term growth. The ADB report indicates that the impact of remittances is limited by high transfer costs, which amount to approximately 19 per cent. NEPAD should play a role in systematising and operationalising a remittance programme that allows the Diaspora to circumvent these high costs but also materially contribute through official and accountable channels to sustainable African development, thus reducing our dependence on external donors and investors whose capital is too often tied to conditions unfavourable to African development.

The tendency in relation to remittance programmes is to focus on the third group of African Diaspora communities – those that are citizens of an

African state or recently naturalised émigrés from Africa – understanding the close familial and generational ties that draw African peoples back to Africa either physically or materially. While the potential contribution of this Diaspora community is significant and valuable, their contribution tends to be funnelled toward a particular state rather than the continent as a whole. As such, remittances are measured in terms of the Diaspora from a particular state to that same state. There is potential, however, to broaden both the scope of those in the Diaspora who contribute materially to the continent and the breadth of reach of this contribution from the state to the continent. The AU should endeavour to reach all three categories of Diaspora peoples in its effort to increase the flow of funding toward the continent. This may be facilitated through voluntary taxation or the establishment of a designated fund. European, US and other states could support this effort by, for instance, allowing Diaspora Africans voluntarily to contribute a percentage of the tax they pay in their country of residence to this fund or an African taxation system. The AU Diaspora secretariats could play a role in mobilising Diaspora contributions to this initiative.

Citizenship and recognition

The Diaspora Initiative elaborates 'requirements of dual or honorary citizenship of some sort' (African Union 2003) as one of the potential contributions of the AU to the Diaspora. The concept of African citizenship is inherent to the foundation of a United States of Africa and the pan-Africanist vision of a unified Africa with one identity and one citizenship. While some African states have legislated dual citizenship for African peoples in the Diaspora, measures have yet to be taken to create African citizenship for the 'stateless' African Diaspora communities.

In May 2007 the AU launched the first African Union diplomatic and service passports 'as a symbolic gesture toward African citizenship' (Konaré 2007). This initiative is part of the AU's Priority Programme on Free Movement of Persons detailed in the 2004–2007 Plan of Action to speed up integration of the continent. The objective of the Plan of Action is said to be the promotion of rapprochement between the people of Africa and their interests and the building of collective awareness through free movement of people, goods and services across the continent. There is an intensifying demand among African peoples for an end to the violations of rights suffered at borders throughout the continent and the recognition of the importance of cross-border trade facilitation. Mrs Julia Dolly Joiner, commissioner for political affairs of the AU Commission, stated that 'free movement in the Continent will

ultimately have a positive impact on the political, social, economic, cultural and developmental fronts, and contribute to greater integration, increased trade, investment, tourism, technological advancement, labour mobility and employment opportunities, student exchange through diverse educational opportunities, peace and security, larger markets for African goods and services, reduced brain drain, greater unity and prosperity, amongst others' (AU Monitor 2007). Renewed momentum was initially given to the call for African citizenship and the establishment of an African passport during the First Conference of Intellectuals of Africa and the Diaspora, organised by the AU Commission in Senegal in October 2004, and was pursued by CSOs at the AU summit in Ghana.[2]

India and China are among the states that have acknowledged the benefits of providing dual citizenship for their Diaspora populations as a means to achieve greater political and economic global reach. In particular, India has developed the Overseas Citizenship of India scheme in order to allow a limited form of dual citizenship to Indians, non-resident Indians and persons of Indian origin. While African heads of state, at the conclusion of the 'Grand Debate on a Union Government', recognised 'that opening up narrow domestic markets to greater trade and investment through freer movement of persons, goods, services and capital would accelerate growth, thus reducing excessive weaknesses of many of our Member States' (African Union 2007), they failed to make concrete decisions to enact African citizenship. This citizenship would greatly enhance Diaspora engagement with the Union Government by providing recognition of the right to return and their role, duties and responsibilities, as well as facilitating potential trade, investment and other economic contributions. Particularly for African peoples who, through slavery and colonialism, were forcibly displaced from the continent and have found themselves 'stateless' in African terms, a pan-African citizenship would provide a measure of citizenship protection and rights that would support movements for human and peoples' rights.

Conclusion

The deliberations among African heads of state and governments during the 'Grand Debate on a Union Government' in July 2007 and the ensuing Accra Declaration merely emphasised the inherent stalling within the principle of gradual incrementalism upon which the Union Government is currently founded. Yet Africa finds herself in a global environment where regional unity is not only desired, but required. Despite Africa's vast human and natural resource wealth, global market forces and externally-driven

development paradigms have maintained Africa's global disempowerment and consequently the disempowerment of her people.

> We [Africans globally] are all continuing to endure various forms of oppression and atrocities inflicted on us directly, indirectly, institutionally, economically, and even under the guise of 'humanitarian assistance' and development projects. Whether we live in the United States, Europe, the Caribbean, or Africa, African peoples have been subjected to imperialist policies that have undermined our worth, dehumanised our souls and attempted to keep us enslaved under capitalism. (Araya 2007.)

The study on a Union Government notes that it is vital 'to build the necessary constituency for advancing political integration' (African Union 2006). In this regard, some countries have set up ministries in charge of integration. However, AU member states have already been criticised by CSOs for not popularising the debate on the union government and soliciting meaningful input on the desirability of and modalities for regional integration among African peoples on the continent. This criticism is also valid with regard to the Diaspora, whose voices were not brought to the table of the 'grand debate', a paradox in terms of the 'people-driven' doctrine of the AU. As African heads of state continue to deliberate and implement the modalities of a Union Government, they must recognise their responsibility toward and the potential contribution of the peoples of the African Diaspora. This engagement will both enhance Africa's political and economic capacity internationally and provide the Diaspora with the support and genuine solidarity to empower themselves at the same time.

> [W]e are determined to solve our own problem, by redeeming our Motherland Africa from the hands of alien exploiters and found there a Government, a nation of our own, strong enough to lend protection to the members of our race scattered all over the world, and to compel the respect of the nations and races of the earth. (Garvey 1967.)

The diversity and vast geographic spread of the Diaspora may appear daunting in the face of the challenge to include her in pan-African unity. However, with clearly defined and popularised institutional links the task is certainly surmountable. Current endeavours within the AU to engage the Diaspora remain in their early stages of development. In order for the objectives of a Union Government and the project of a United States of Africa to be realised, these initiatives must be strengthened and others established, guided both in principle and in action by the pan-Africanist principles of self-determination and unity.

The ultimate objective is to achieve, through political, economic, social and cultural integration, a strong multi-racial and multi-ethnic United Africa, based on the principles of justice, peace, solidarity, and the judicious exploitation of its human and natural resources. (African Union 2006.)

Notes

1. *The development of the Diaspora Initiative within the framework of the OAU/AU* (African Union 2003) outlines the following as areas for the contribution of the Diaspora:
   • Technical support for AU programmes
   • Public education and sensitisation of the wider public in their respective regions
   • Lobbying
   • Provision of a domestic political constituency for AU goals and objectives
   • Advocacy
   • Fund-raising
   • Resource mobilisation and resource support through such measures as the creation of endowments

2. See 'African Citizens' Passport campaign' at www.aumonitor.org/AUMONITOR/C12/.

CIVIL SOCIETY PERSPECTIVES ON A UNION GOVERNMENT FOR AFRICA

Désiré Assogbavi

Introduction

In March 2007 a number of civil society organisations (CSOs) agreed to work together and contribute to the 'Grand Debate' on a continental government, the key theme of the July 2007 heads of state summit in Accra (African Union 2007a). The objective of this initiative was to make the voices of the African citizens heard in the discussions regarding a 'United States of Africa'. Other African actors, groups and individuals also took initiatives to contribute to the debate through various activities, documents and opinions before and during the Accra summit. In this paper I will try to put forward as a whole the contributions of the African civil society representatives, who in effect invited themselves to this debate.

A union of African states but not without African citizens

The continent is composed of 770 million people, which makes an African union one of the largest and most attractive markets in the world. The continent is blessed with 40 per cent of the world's potential hydroelectric power supply. The continent has the bulk of the world's diamond, coltan and cassiterite supplies and produces over 90 per cent of the world's cobalt, 70 per cent of its cocoa, 64 per cent of its manganese, 60 per cent of its coffee and 50 per cent of its palm oil. African people are the potential owners under a continental commonwealth of 50 per cent of the world's phosphates, 50 per cent of its gold production, 40 per cent of its platinum, 30 per cent of its uranium and 20 per cent of the total petroleum traded on the world market. But because the continent is divided Africans cannot make real use of these privileges and Africa's people often have to beg and face humiliation even in their own countries. The lack of unity makes Africa's development uncertain.

Obviously, the continent needs to unite and all of us should be involved in the process of moving towards that unity. The reality, however, is that even though the study carried out by the AU Commission on the feasibility of this government

clearly states that the envisaged 'Union Government must be a "Union of the African people and not merely a Union of states and governments"' (African Union 2006), the AU organised the 'Grand Debate on the Union Government of Africa' without soliciting and obtaining sufficient opinion from African citizens on the issue. The study was adopted by the Heads of State summit in January 2007, which recommended to the member states that they organise a systematic consultation of the various national stakeholders before the Accra summit. This consultation simply did not take place. It is true that in certain countries the issue was sporadically discussed within various forums but no systematic consultation of various civil society actors took place before the Accra summit, even though the member states had more than a whole year to do this. One can therefore understand why there was effectively no Grand Debate in Accra. The interlocutors were not prepared and they did not even have a mandate from their people to engage in a debate.

Civil society's self-invitation to the debate on Union Government

The most coordinated contributions to the debate on the continental government came from a CSO initiative through a coalition convened by the Institute for Democratic Governance (IDEG), based in Accra, Ghana. The coalition organised forums for the media, faith-based organisations, students, members of parliament and NGOs to discuss the continental government proposal.

A few months before the actual summit this initiative organised consultations in a number of countries, in collaboration with local partners, to collect opinions from citizens on the issue. Besides this initiative, the activities of other groups and resource persons also fed into the debate before and during the summit.

The activities carried out by the initiative are discussed below.

Public debates

Nine public debates in seven countries were self-financed and organised between 25 May and 18 June 2007. These events were held in Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Zimbabwe. Several of the meetings included participation by policymakers who were in the process of developing their country positions. The proceedings of the debates were collated into a joint report and circulated to key national delegations.

Papers on continental government

Several academic and mainstream articles and interviews were completed and disseminated during the Accra summit on continental government, through the online *Pambazuka* newsletter and through the African Union Website. This was a significant body of work produced in the lead-up to the summit that captured citizen's commentaries on a Union Government for Africa.

Continental conferences alongside the summit

A civil society conference was convened in Accra alongside the summit. The meeting was attended by 150 participants drawn from 100 organisations and coalitions in 30 countries. The conference was formally opened by the Ghanaian Minister of Foreign Affairs, Akwasi Osei Adjei, in his capacity as the chairperson of the AU Executive Council and the summit host. Thoughtful debates in working groups led to the drafting of a civil society communiqué to the Summit of Heads of State and Government (African Union 2007a). The communiqué was released in a press conference on the eve of the Assembly of the Heads of State and received substantial media coverage. It has since been published on the Accra Summit Website.

A roundtable on continental government was also organised by AfriMAP and IDEG. This initiative succeeded in having the African Citizens Directorate (CIDO) invite CSOs to a pre-summit meeting to discuss continental government. The participation of AU Commission staff and consultants, who drew up the continental government working documents in this meeting, undoubtedly assisted them in developing their positions and views and this in turn influenced the Economic, Social and Cultural Council (ECOSOCC) report and the CSO Communiqué.

Prior to the summit, the AU Commission had also organised three days of consultation on the Union Government. This consultation took place in Addis Ababa from 29 to 31 May 2007 and gathered 100 participants from CSOs, academia, trade unions, youth and women's associations and government. This meeting therefore brought together resource persons from the five geographical regions of Africa to discuss the Union Government.

E-debate and wide mass-media popularisation

Daily information uploads to the *AU Monitor* Website ensured that a broad spectrum of CSO activities received visibility and allowed networking to

take place. *AU Monitor* also provided updates on events taking place in Accra.

A joint press release was developed for African Liberation Day (May 25). It announced the start of the peoples' debate on continental union. CSOs developed a common press pack to ensure adequate levels of advocacy and information-sharing. In Ghana a vigorous media outreach strategy resulted in at least three radio/television appearances per day, coverage of three press conferences and shared coverage by at least 15 CSO leaders across different sectors, including women's rights, democratic governance, peace and trade. The media outreach created an informed public and fostered interest in the proposed Union Government. It also emboldened the Ghana Ministry of Foreign Affairs to proceed with this debate as a public interest issue.

A Union Government for Africa as viewed by the civil society

Obviously, the whole of African civil society does not share a unique position on the debate on a Union Government for Africa. However, there is clear consensus among CSOs in favour of rapidly accelerating continental integration in order to respond to current and future economic, political and social challenges. Accordingly, CSOs support the proposal for the establishment of a Union Government. They believe that such a Union Government must be a people's union. It must be based on values of participation and democracy in its construction and implementation at continental, regional and national level.

The CSOs' perspectives on the ways forward for the continental union are summarised below.

The need for concrete acts to enable free movement of African peoples and goods

Civil society groups urged the summit leaders to show that they were serious about unity by opening national borders for the free movement of people and goods and accelerating the establishment and the implementation of policies that enshrine freedom of movement for people, goods and services and African citizenship.

CSOs believe that there is an urgent need to remove all visa requirements for African citizens to travel across the continent, since this will be a genuine

first step towards people's unity. Without continental citizenship, continental government is meaningless. The current visa situation on the continent is unacceptable. During the Accra summit, CSOs organised an exhibition to demonstrate that West African citizens have difficulty in travelling to East and Southern African countries and vice versa, whereas US and UK citizens can move around the continent relatively freely and often obtain longer visa stays than African citizens. The evidence for this is available on the Websites of African countries, which clearly show that there is a bias towards Western travellers and that stringent visa conditions are imposed on African people. This is clearly a shameful manifestation of the constraints on African citizens to travel and mingle with their fellow citizens.

For example, one exhibit showed that for a Senegalese citizen to travel to Kenya he or she is required to apply for a Kenyan visa at the British Embassy in Dakar. Similarly, a Kenyan citizen needs to beg a Senegalese visa from the French Embassy in Nairobi to be able to travel to Senegal. This is obviously a perverse negation of any sense of African unity! How can the continent move forward if these basic problems are not resolved first? This responsibility rests squarely on the shoulders of African leaders and decision-makers. They cannot even decide to allow their people to travel without the constraints of a visa. Even the African Union, after four years of existence, has not resolved this issue. How can one begin to speak of a Union Government for Africa?

During the Accra summit, CSOs urged the assembly of leaders to adopt a decision that member states should initiate a sustained citizenship mass education programme for adults and children to create a culture of positive self-consciousness in being African. This should be overseen by a newly-established steering committee in the office of the chairperson of the AU Commission.

Also, CSOs requested a strengthening of the commitment to Africans in the Diaspora by formally recognising it as the sixth geographical and political region of Africa. This should mean that those in the Diaspora would also be granted African citizenship.

A democratic and participatory union

One of the first steps towards a Union Government will be the capability given to the Pan-African Parliament to act as a legislative body, with members elected by universal suffrage with proportional representation.

To move concretely on this issue, African leaders need to give a mandate to the Pan-African Parliament to establish an expert group on elections to advise, after consulting with national electoral bodies, on the legal, operational and financial modalities for continent-wide elections.

There is also a need to operationalise CSO consultations with ECOSOCC before the adoption of assembly decisions. Heads of state should ensure that the mandate and programme of ECOSOCC is adequately reinforced and resourced to enable it to reach out to civil society groups.

Finally, taking the European Union as an example, CSOs demanded that heads of state consult their people by referendum or other means in the process of moving towards a United States of Africa.

Implementation of existing policy and rights standards

This recommendation was made in almost all public events organised across the continent by CSOs. There is a need to evaluate and audit the current African Union. The AU had a mission to implement the democratic principles that it advocates in its Constitutive Act. The AU should therefore ensure that its member states demonstrate respect for democratic governance and for democratic and judicial institutions. Otherwise, the objectives of any proposed Union Government will not be realised.

In fact it is as a result of this assessment that we can look forward. Africa could not be truly united without democracy and with the current weak institutions, or the Union will fail just like the former OAU. There is an urgent need to establish a culture of implementation of the decisions taken collectively. The AU was unable to implement supranational decisions and recommendations effectively, such as the prohibition of unconstitutional change of government or changes to the electoral codes and constitutions that allow heads of sate to remain in power indefinitely. Most of the time, heads of state apply only those decisions that suit them and at this stage will not subject themselves to any obligation to a continental government that is not in their favour. We should make sure that this situation changes; otherwise time and resources will be wasted and nothing positive will happen.

Heads of state were urged first to endorse the values contained in the proposal for a Union Government and then to endorse and respect the notion of common African citizenship and gender equality as core values. They must ensure that the bodies responsible for monitoring and enforcing

commitments on human rights, development and democratic governance are properly resourced to enable them to fulfil their mandates effectively. By doing this, the continent can avoid the current situation whereby existing continental treaties and commitments by member states are inadequately implemented nationally.

Judicial structures of the AU should be fully and effectively operational as a means to ensure that member states can be held accountable to their commitments.

A common position and common actions on key issues

CSOs were not expecting the Accra summit to form a union government with a president and ministers. This would have been an unrealistic expectation. But there are domains in which common policies and positions could be applied to all members states, which would in turn have a direct positive impact on the lives of citizens. These fields could include peace and security, health, communications, infrastructure and energy management.

Strengthening regional and national institutions

Any acceleration towards a Union Government should not imply the end of the regional economic communities (RECs). Closer coordination and collaboration between the RECs is a pre-condition for effective continental integration. The adoption of the 1991 Abuja Treaty took place on the understanding that the RECs would be the building blocks for continental economic integration.

Currently, the rationalisation of the RECs has virtually stalled, leaving a condition of duplication, overlapping economic mandates, incoherent political mandates and weak harmonisation with existing continental organs and institutions. Yet, we recognise the role of the RECs as a critical force for economic integration, common tariffs and currencies, policy standards and participation of the people.

Leaders should act boldly in this regard by calling for the popularisation and adoption of the draft protocol on the rationalisation of RECs at the January 2008 summit. Furthermore, the number of RECs needs to be reduced from the current eight to five, representing the five regions of Africa.

At the national level there is a need to establish a focal point in the leadership of the ministry of foreign affairs with responsibility to provide information to CSOs, parliamentarians and the general public about national engagement in AU discussions.

Further, CSOs have invited heads of state to champion the establishment of a national steering body on AU affairs, independent of executive control but including representation from relevant ministries, parliament, other constitutional bodies and civil society, to advocate for and popularise AU affairs and accelerate implementation

Promoting peace and security on the continent

Ensuring sustainable peace and security on the continent is an issue that has been raised in all the CSO consultations across the continent. The biggest obstacle to the realisation of a united Africa is unquestionably the incessant conflicts within several African nations and between and among nation states.

An African defence force, a joint standing army, a quickly responsive police force, all with the required expertise and logistics, multilayered strategies and rapid mobilisation, for example, will contribute toward Africans living in a peaceful and politically stable Africa under a continental government.

The Accra Declaration and the way forward

About 6 000 delegates, 53 heads of state and government, 500 journalists and more than 100 CSO leaders gathered over a period of eight days in Accra. Three days of presidential speeches and sometimes heated debate failed to produce even a working definition of what a 'United States of Africa' would look like. The outcome of the summit was a watered-down Accra Declaration that stipulates four points without a firm decision (African Union 2007b).

The contents of the Declaration confirmed that the summit did not deliver on the promise of 'grand debate' and it was more akin to a 'grand waste' of the time and resources of the continent.

In a classic bureaucratic compromise, a ministerial committee was mandated to study details and timing and report to the next AU summit in Addis Ababa in January 2008. What is really new in the Declaration? Apart from the

recommendation to establish an audit of the AU Commission, the Declaration was merely a repetition of aspects of the AU study of 2006.

Conclusion

It is interesting to note that CSOs have avoided playing the maximalist unionists versus gradualists game. CSOs want steps taken that will impact on the lives of citizens at once. They are not asking for a United States of Africa immediately. But, they want to be heard and have their opinions taken into account. CSOs want the Pan-African Parliament truly to represent African people and to hold human rights violators accountable. Civil society would like to see the fair distribution of African resources and peace in Darfur, Côte d'Ivoire, DRC and across the continent. Civil society also seeks to ensure better education, good health and the freedom of movement across the continent. It is not clear whether a union government for Africa would deliver on these requirements, but Africans will never be able to find this out unless we make the effort to establish it.

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MAINSTREAMING GENDER IN THE PROPOSED UNION GOVERNMENT FOR AFRICA

Roselynn Musa

Introduction

Gender mainstreaming is not a new strategy. It is emphasised in the Beijing Platform for Action, which builds on years of previous experience in trying to bring gender perspectives to the centre of attention in policies and programmes (United Nations 2006). It means moving gender equality concerns from the backwaters into the mainstream so that, instead of having separate policies for gender equality or adding gender equality concerns to already formulated policies, programmes and procedures, a gender perspective is introduced into all policies, programmes and procedures from the beginning.

The mainstreaming strategy emerged as a result of dissatisfaction with earlier approaches to narrowing gender gaps. These earlier strategies often focused on women (providing them with more education, more resources, etc.) and on specific targeted initiatives. While they were often well intended, it became apparent that gender inequalities could not be resolved through marginal initiatives but required broad processes of change, particularly at policy and institutional level.

In international development the early focus on 'women in development' (in the 1970s) arose because development planners and economists made a range of wrong assumptions about the roles that women played in the local economy and society (United Nations 2006). Their failure to see the critical subsistence and household management roles of women led to some harmful consequences as modernisation proceeded without taking these roles into account. Women's projects (such as handcrafts, sewing and micro-credit) and support for women in their roles as mothers were the main policy responses. There was little improvement in the lives of women overall. Thus, a shift in the approach to gender and development was required – toward one that focused not simply on women, but on the power relations between men and women in the household, the community and the national economy (and now even the international economy). This approach recognised that all economic, social and political structures needed to be examined and transformed if development were to become more gender equitable.

International development experience across the world indicates that unless indigenous governance structures and processes are explicit about gender equity they will quite unintentionally miss opportunities for strengthening gender equity in both processes and outcomes (Beall 1996). Further, where women benefit from economic development, they are generally more likely than men to reinvest their income in development expenditure – thus increasing the development benefit. Women will give high priority to expenditure on nutrition, health and education for the children, while men are likely to spend income on consumer items, alcohol and tobacco. While this situation may not be ideal, it is a reality at this time and gender mainstreaming is a catalyst to bring about a change (Cagatay 1998).

In the proposal to create a Union Government lies a long-held vision of consolidating African unity and an affirmation of the quest to unite Africa's peoples across shared values and rights (African Union 2006). Unfortunately, across the continent, the status of women continues to deteriorate under conditions of war and conflict, deeply-rooted economic inequality, repressive undemocratic regimes, domestic violence and trauma, harmful cultural practices and poverty. In spite of the continental instruments for change, women's rights remain elusive.

The aim of this paper is not to provide an exhaustive review of the practice of gender mainstreaming, but to expound on gender mainstreaming not as an end in itself but as an instrument for achieving gender equality. It also seeks to highlight opportunities available to the Union Government to narrow gender gaps using gender mainstreaming to enhance equality between women and men.

After considering some important concepts underlying gender mainstreaming I shall examine previous regional attempts at gender mainstreaming, against the background that the AU's equal opportunities policy does indeed have an ambitious agenda of legally enforceable rights for African women, although the AU has not shown enough political will in implementing these (African Union 2004).

Further, I shall examine gender mainstreaming in specific contexts, arguing that measures to support gender equality can contribute to other socio-economic goals while listing the issues facing African women on which the Union Government should consider focusing the gender lens. Moving beyond this I shall focus on some of the likely challenges of gender mainstreaming in 'walking the tightrope to change' and conclude with a mixed assessment of

both the promise and the challenges of the gender mainstreaming approach and some recommendations.

Important concepts underlying gender mainstreaming

Gender

The concept of gender needs to be understood clearly as a crosscutting socio-cultural variable (Beall 1996). Gender systems are established in different socio-cultural contexts, which determine what is expected, allowed and valued in a woman/man and girl/boy. Gender roles are learned through socialisation processes; they are not fixed, but rather changeable. Gender systems are institutionalised through education systems, political and economic systems, legislation and culture and traditions.

Gender equality

Gender equality means that the rights, responsibilities and opportunities of individuals will not depend on whether they are born male or female. Equality does not mean 'the same as' – promotion of gender equality does not mean that women and men will become the same. Equality involves ensuring that the perceptions, interests, needs and priorities of women and men (which can be very different because of the differing roles and responsibilities of women and men) will be given equal weight in planning and decision-making.

Gender mainstreaming

Attention must be given to gender perspectives as an integral part of all activities across all programmes. This involves making gender perspectives – what women and men do and the resources and decision-making processes they have access to – more central to all policy development, research, advocacy, development, implementation and monitoring of norms and standards, and planning, implementation and monitoring of projects.

Gender equality as the goal – gender mainstreaming as the strategy

Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality. As noted earlier it involves ensuring

that gender perspectives and attention to the goal of gender equality are central to all activities – policy development, research, advocacy/dialogue, legislation, resource allocation, planning, implementation and monitoring of programmes and projects.

Measures to support gender equality can contribute to other socio-economic goals

The focus on gender inequality does not mean that other forms of inequality are ignored. While mainstreaming is clearly essential for securing human rights and social justice for women as well as men, it also has increasingly been recognised that incorporating gender perspectives into different areas of development ensures the effective achievement of other social and economic goals. Mainstreaming can reveal a need for changes in goals, strategies and action to ensure that both women and men can influence, participate in and benefit from development processes. The pursuit of gender equality is therefore a powerful catalyst to transform relations of inequality and power in all aspects of life.

Persistent differences and disparities between women and men can mean that women have to bear more of the costs of a lack of development and gain fewer benefits than men from development interventions. This does not have negative implications only for women themselves, but for society as a whole. Women represent half the resources and half the potential in any society. This potential remains unrealised when women are constrained by inequality and discrimination.

While gender equality is an important goal in itself, it is important to be able to establish its linkage to other issues, for example to illustrate to economists that gender equality is relevant to issues of economic growth and efficiency. Similarly, it is important to convince demographers that gender perspectives can strengthen their analyses and provide new insights about demographic processes and to demonstrate to statisticians that data must be sex-disaggregated to be able to respond to critical information needs related to gender equality.

Those attempting to implement the gender mainstreaming strategy in the Union Government should be mindful that sustainable people-centred development is possible only when gender perspectives are identified and addressed as integral elements of all areas of the work of the Union Government.

Stalled engines of gender equality:
Global and regional commitments to gender equality

The concept of gender equality and gender mainstreaming are not new to African development policymakers, as evidenced from earlier commitments to global and regional women's human rights instruments. With regard to positive action the AU and many African countries have pressed forward with a series of specific actions on behalf of women by adopting official commitments to 'mainstreaming' gender issues across official policies (African Union 2004). The Union Government could build on the foundation laid by the AU in this regard. Although in its infancy, this gender mainstreaming approach holds the revolutionary promise of taking women's issues out of a narrow policy community and inserting the concerns of women across the entire spectrum of public policies. The following are some of the instruments promoting gender equality and mainstreaming in Africa:

- The Beijing Platform for Action, 1995

- The Convention on the Elimination of all forms of Discrimination against Women, 1979

- The African Charter on Human and Peoples' Rights, 1981

- The Constitutive Act of the African Union, 2000

- The Solemn Declaration on Gender Equality in Africa, 2003

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (referred to as the AU Protocol on Women's Rights), 2005

- The New Partnership for Africa's Development (NEPAD), 2001

- The Millennium Development Goals, 2000

- The Study on an African Union Government: Towards the United States of Africa, 2006

Gender mainstreaming: The study on the Union Government

Commissioned by the AU, the study produced a blueprint for the political and economic integration of Africa (African Union 2006). Of the 16 strategic

areas of focus identified in the study, only one makes reference to women. This is the seventh strategic area, which provides for 'Gender and Youth'. The other areas do not specify women or recognise their concerns. In this regard I would like to stress that it is essential that women take the opportunity provided to entrench the slogan that 'without women, there can be no union'. The Union Government should not only promote regional integration, but guarantee non-discrimination as well.

From the above it can be seen that plans and programmes exist within the AU focused on ensuring that its member states are part of the global effort to advance the principle of gender equality in Africa.

However, there is a need for a deeper and more systematic approach to gender mainstreaming and for AU member states to translate commitments on gender equality and women's empowerment into national, regional and continental polices and programmes. There is an obvious sense of urgency when gender equality instruments are signed and committed to, but it is rather disappointing to note that this sense of urgency is not translated into action.

Applying gender mainstreaming in specific contexts

There is no set formula or blueprint that can be applied in every context, but generally speaking what is common to gender mainstreaming in all sectors or development issues is bringing a concern for gender equality into the 'mainstream' of activities rather than dealing with it as an 'add-on'.

The first step in gender mainstreaming is to assess the linkages between gender equality and the issue or sector being worked on, that is to identify the gender implications of working on, for example, poverty eradication, health development or other areas of development.

Secondly, the opportunities for introducing gender perspectives need to be identified in the work tasks undertaken. These opportunities can be found in research, policy analysis, use of statistics, training events, technical assistance, workshops and conferences, etc.

Thirdly, an approach or methodology has to be identified for successfully incorporating gender perspectives into these work tasks in a manner that facilitates influencing goals, strategies, resource allocation and outcomes.

The links between gender equality and effective and sustainable development should be made clear in some areas, especially areas where both women's and men's roles are very visible, for example in health and other social services, education focusing on science and technology, poverty eradication and agriculture.

Institutional development/capacity-building for gender mainstreaming

Capacity-building is a fundamental issue for gender mainstreaming. Strategies to develop adequate institutional capacity for gender analysis and gender mainstreaming should include competence development programmes as well as the development of guidelines and examples of good practice.

The overall responsibility for implementing the strategy of gender mainstreaming rests at the highest levels within government and other organisations (Beall 1996). Adequate accountability mechanisms for monitoring the progress of mainstreaming should be developed at management level. One means of ensuring accountability is to establish clear indicators of progress that can be monitored by management over time.

The fact remains that most of our leaders are kept in the dark regarding the important process of policy formulation and they have been reduced to mere rubber stamps to approve policies about which they know little or nothing. It is important that they know and appreciate the variables involved in formulating gender mainstreaming policy. Accordingly, our policymakers should be trained to understand the behaviour of each of these variables: what causes them to change, how their behaviour can affect gender equality and the implications of gender-blind policies.

Areas of focus for the Union Government's gender lens

The 'grand debate' on regional integration was an excellent opportunity to discuss Union Government commitments. It is noted that one of the main reasons for wanting a united Africa was so that its citizens would have greater opportunities and their livelihoods would be improved without discrimination. Another was the demand that the African people, rather than governments, should drive the agenda of African unity. It has also been observed that if the grand debate was to be useful, there was a need to lay down principles and identify key building blocks for unity projects. Gender mainstreaming should be one of the building blocks. The ongoing

debate should be an opportunity to discuss documents that are relevant to human rights and lay down the principles and standards to be observed throughout Africa.

Regardless of the structure of a Union Government, we should be aware that it will have serious implications for women as citizens of Africa. Women were often marginalised, partly because states are headed by men and run by male-dominated institutions, with the situation within the AU only marginally better. For these reasons it is important to raise women's voices in the ongoing debate. Only then can the particular problems faced by women be addressed seriously. If it is indeed true that gender equality is important in the discussion on African unity, the provisions on gender equality must also be critical to the debate.

Walking the tightrope to change and gender equality

Achieving greater equality between women and men will require changes at many levels, including changes in attitudes and relationships, in institutions and in legal frameworks.

The methodological requirements for gender mainstreaming are quite demanding and include the appointment of key officials responsible for the overall mainstreaming strategy; the provision of training in gender issues for other officials whose substantive expertise lies elsewhere; the collection of statistics and other data disaggregated by sex, to be used in planning, monitoring and evaluating the effects of policy on gender inequality; and other specialised techniques such as 'gender proofing' and 'gender impact assessment'. Recognising these demands, the Union Government will have to establish centralised coordination, a network of gender advocates and experts across its various components and explicit methods to guide officials in the implementation of gender mainstreaming across all policy areas.

In addition to officials responsible for gender mainstreaming, a number of gender 'focal points' are needed to provide decentralised gender expertise at the level of each unit, depending on the structure of the Union Government. Finally, in a preliminary effort to provide specific instruction regarding the procedures for integrating gender into Union Government policymaking, the Equal Opportunities Unit should prepare a 'Guide to Gender Impact Assessment', providing officials with a basic checklist for the inclusion of gender issues in any proposed policies

Throughout the preliminary communication and in subsequent work it should be made clear that the mainstreaming of gender issues across the Union Government should supplement and not replace specific actions for women. Indeed, in all its proposals and communications the Union Government should make a point of mainstreaming gender across the policy process while maintaining specific actions on behalf of women.

Considering the needs expressed and pursuant to the goals of gender mainstreaming, this paper infers that the Union Government should focus on the following priority actions:

• Establish efficient continental mechanisms and systems of coordination, consultation and monitoring of commitments on the gender policy

• Formulate and support specific action for the fulfilment of the commitments made by government on issues concerning women's rights, implementation of the AU Solemn Declaration on Gender Equality and the AU Protocol on Women's Rights

• Establish specific training programmes to develop gender skills targeted at human resources involved in the gender mainstreaming process, in collaboration with institutions dealing with integration issues

• Promote the mainstreaming of 'gender' across all government departments and non-government institutions, which has two dimensions: giving women greater opportunities for decision-making in these institutions and ensuring that the bodies undertake a gender analysis of their policies and programmes to ensure more gender-sensitive approaches and more gender-equitable results

• Contribute to the definition and development of relevant gender tools to be used in conceptualising and documenting gender issues

• Promote synergy between the gender unit and other technical units of the Union Government

• Draw from and improve on the AU example of women's representation on decision-making bodies

• Put in place a committee tasked with making sure that gender issues do not become a matter for women alone and incorporating gender equality into all aspects of the proposal on a Union Government

At the heart of the union debate must be a commitment to unite Africa's people across gender by upholding respect for women's rights and equality of opportunities for both men and women.

Conclusion

This paper has attempted to provide a greater understanding of the mainstreaming approach and its practical implications and to identify entry points for moving the analysis further in various concrete contexts. Gender mainstreaming is, I have argued, a demanding strategy, which requires policymakers to adopt new perspectives, acquire new expertise and change their established operating procedures. Indeed, I would go so far as to suggest that, in terms of its procedures for gender mainstreaming as well as the development of gender-sensitive policies, which are admittedly still at the stage of conception, the Union Government should aspire to become one of the world's most progressive entities in its promotion of equal opportunities for women and men.

Nevertheless, the gender mainstreaming approach is not without its challenges. I therefore wish to end on a cautionary note. Gender mainstreaming can easily lead to the abandoning of specific, positive actions on behalf of women. In the words of a hesitant anonymous supporter of the process, 'If gender mainstreaming is everybody's responsibility in general, then it's nobody's responsibility in particular.' Critics of the gender mainstreaming approach fear in particular that specific policies on behalf of women will be discontinued and the units responsible for the development and management of the new mainstreaming approach will themselves be weakened in the name of mainstreaming. Such a development could halt the engine of gender equality, but if carried out carefully and professionally the fruits of gender mainstreaming will be reaped sooner than later.

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INNOVATIVE STRATEGIES FOR FOSTERING AN AFRICAN UNION GOVERNMENT

THE USE OF AFRICAN UNION SPECIALISED TECHNICAL COMMITTEES AS A FOUNDATION FOR A UNION GOVERNMENT FOR AFRICA

Msuya Mangachi

Introduction

The Assembly of the African Union held its 9th Ordinary Session in Accra, Ghana, from 1 to 3 July 2007. The main agenda of the Accra summit was a 'Grand Debate on a Union Government'. At the end of the debate the Accra Declaration (African Union 2007a) was issued, which emphasised, among other things, the need to conduct an audit of the AU Commission and other AU organs in accordance with the terms of reference adopted by the 10th Extraordinary Session of the Executive Council held in Zimbali, South Africa, on 10 May 2007 and to establish a ministerial committee to achieve the following:

a. Identify the contents of the Union Government concept and its relations with national governments

b. Identify domains of competence and the impact of the establishment of a Union Government on the sovereignty of member states

c. Define the relationship between a Union Government and the regional economic communities (RECs)

d. Elaborate on a road map and time frames for establishing a Union Government

e. Identify additional sources for financing the activities of the union

The outcome of the audit and the work of the ministerial committee are to be submitted to the Executive Council, which will make appropriate recommendations to the next ordinary session of the AU Assembly (African Union 2007a).

The Institute for Security Studies (ISS) held an expert roundtable to undertake a preliminary assessment of the Accra Declaration and the possible way forward. The meeting was attended by a number of diplomats and

experts based in Addis Ababa. I was among those who attended these consultations.

What came out clearly from those consultations was the fact that the Accra debate on a Union Government was acrimonious and heavily charged, with one side arguing strongly in favour of the immediate establishment of suxh a government and the other side arguing for a gradual approach, through inter alia the strengthening of the RECs and the institutions of the AU as stipulated in the Constitutive Act (African Union 2000). It was clear, therefore, that there was no consensus and the Accra Declaration was a kind of face-saving document to show there were no 'winners' or 'losers' in the debate. It was hoped that the Declaration would keep the debate on a Union Government alive by addressing the concerns raised above, as well as the issue of sovereignty.

This paper attempts to provide the context within which the issues in the Accra Declaration that are to be examined by the ministerial committee arose during the 'grand debate'. It will conclude by examining how specialised technical committees (STCs) could be used to enhance cooperation among AU member states as a basis for a future African Union Government.

The imperatives for the establishment of a Union Government

The *Study on an African Union Government: Towards the United States of Africa* (African Union 2006) attempts to provide a framework for an African Union Government based on 'shared values and common interests'. The shared values identified are:

a. Adherence to the rule of law
b. Popular participation in governance
c. Respect for human rights and fundamental freedoms
d. Transparency in public policymaking (African Union 2006:6-7)

In regard to the 'common interests and constraints', the study stresses the aspect of the continent's 'over-dependence on the external world and the under exploitation of its enormous development potentials at national, regional and continentals levels' (African Union 2006:7). It further emphasises that the challenge of over–dependence is critical in the areas of agriculture, human development, science and technology, industry, trade and finance. Other examples of a strong over-dependence are in the areas of expatriate technicians, education and health.

Regarding the under-exploitation of Africa's development potential, the study argues that because of its geographical position a United States of Africa would have the unique potential of producing most types of food and agricultural produce throughout the year, thus putting an end to drought-related food shortages in some parts of the continent. It would also be possible concertedly to develop energy resources, mineral resources, infrastructure, etc. Finally, the study emphasises that a united Africa would enable the continent to face the challenges of globalisation. Thus, a common interest perspective is to bring about human progress in Africa, restore human dignity to the African people and give Africa a voice in the global order, promote progressive African social and political values and defend the African personality.

The study concludes that 'an all embracing common interest of the African continent is, therefore, to build its collective capability and capacity to act as a stakeholder and not an outsider in world affairs, and to fully participate in shaping international norms and agenda. This is indeed an important and over–arching objective of the Union Government.' (African Union 2006:8.)

During the 'grand debate' in Accra, it was apparent that there was no single rationale to drive the continent towards a Union Government in the way the African countries rallied around the agenda against colonialism, apartheid and racial discrimination during the OAU days. The challenge, therefore, is to come up with an imperative or rationale that the majority of AU member states could generally support.

Attempting a discussion on the imperatives of integration Professor Baregu, based at the University of Dar es Salaam, argues that there are at least four types of rationales or imperatives that lie behind the formation and sustenance of regional integration schemes. They are *affection, gain, threat* and *power.* Imperatives may belong to the domain of choice or they may belong to the domain of necessity (Baregu 2005:46-48).

The *affection* imperative is essentially emotive. It refers to a situation where countries come into an integration arrangement because they have much in common and feel some bonds of affection. *Gain* is by far the most celebrated imperative, held responsible not only for the initiation but also for the sustenance of regional integration schemes. In this context, the unequal distribution of gains among members of a bloc is also held to be a vital source of potential discontent. The shared perception of *threat* and the quest for collective security and protection is also a strong incentive toward integration. Finally, *power* as an imperative to integration refers to

the situation in which a regional hegemon forces the other members into an integration arrangement.

Baregu argues that normally the *affection* imperative (referring to factors such as common history, culture, language, etc.) is not strong enough to bring about sustainable integration. The rationale of *gain* is a good motivating factor, but it is difficult to achieve on an equitable basis. He further argues that the shared perception of *threat* and the quest for collective security lay behind the formation of the European Coal and Steel Community by France and Germany in 1951. The same imperative lay behind the formation of the North Atlantic Treaty Organisation against the perceived threat from the Soviet Union and its allies. The hegemonic model may apply to the NAFTA (North American Free Trade Agreement) bloc, which is dominated by the United States (Baregu 2005:48). This discussion on imperatives of integration is cited here to illuminate the search for appropriate rationales applicable to the formation of an African Union Government. In this context, it has been suggested that perhaps the challenges of globalisation that affect all countries could be a rallying point. What is not clear, however, is whether all countries agree on how to deal with the challenges of globalisation. It is generally believed that globalisation presents challenges but it also offers opportunities, hence the lack of consensus among the African countries to fight against globalisation per se. Somehow, most of the African countries have agreed to implement the IMF-prescribed reforms in the form of the Poverty Reduction Strategic Papers (PRSP) that fall within the purview of globalisation.

Another proposal is for African countries to demand competitive prices for their raw materials and the right to process them into semi–finished and finished products. This will require a transfer of technology from developed countries for the industrialisation of Africa. Furthermore, semi–finished and industrial products are subject to higher tariffs on the markets of the industrialised countries. Raw materials from the developing countries already have impeded access to the markets of the developed countries. Therefore, it might be an uphill task for Africa to succeed in securing the right of industrialisation as well as free market access for its finished goods. This would entail rejecting and changing the role of producing raw materials to which Africa has been confined by the current international division of labour. However, this issue appears to be a common concern for all the less-developed African countries and hence a possible rallying point for integration.

Another unifying point that might attract most countries to a common African platform may be the argument for shared gains from strategic

resources such as minerals, oil and industry. The countries endowed with such resources would have to agree to share the benefits with those that do not have such resources. However, it is interesting to note that proposals for a Union Government do not address such issues at all, perhaps for fear that such an idea would not be entertained by the countries with these resources. A modest beginning could be made if the countries that benefit from these resources could agree to increase their contributions to the AU budget and the development fund to finance projects in other, poorer African countries.

Poverty, ignorance and disease as possible rallying points

While it may be difficult to reach common agreement on the above suggestions, it may be easier perhaps to rally the African countries around the common challenges of *poverty*, *ignorance* and *disease* and values of *good governance*, *democracy* and *human rights* that face most of them. Furthermore, in our view, the proposal contained in the study on the Union Government, to the effect that a Union Government would provide a platform for Africa to speak with one voice on matters of common interest to Africa, is also a good rallying point (African Union 2006). However, this would require prior consultation with all countries to forge a common position, as happened to gain consensus in the debate on UN Security Council reforms, which were to give Africa two permanent seats. At the regional level the development of productive capacity for food self–sufficiency and the production of tradable goods could also be important unifying factors. This includes the development of infrastructure such as communications, energy, roads, railways, ports, information and computing technology (ICT), etc.

The purpose here is to stress the need to focus on the imperatives that are all-embracing for AU member states and that could unite them in opting for a Union Government.

The issue of sovereignty

During the 'grand debate', a number of heads of state and government invoked the issue of sovereignty as an important factor in the African Union integration process. The AU study proposes 16 areas as a basis for establishing the African Union Government. These include continental integration; environment; external relations; food, agriculture and water resources; gender and youth; governance and human rights; health; industry and mineral resources; money and finance; peace and security; social affairs

and solidarity; sport and culture; trade and customs union; and infrastructure, ICT and biotechnology. The study also proposes that the AU Commission be assigned executive authority and responsibility to implement the related activities effectively. In this regard the Commission should be restructured according to the above strategic focus areas and the office of the chairperson should be strengthened accordingly (African Union 2006:8-13).

The implementation of these proposals would have far-reaching implications for the Constitutive Act and the AU's institutional arrangements. It also implies that member states would have to cede to the AU Commission the responsibility for policymaking and implementation in the 16 focus areas.

During the 'grand debate', the side that supported the immediate establishment of a Union Government argued that they were ready to give up their sovereignty in favour of a Union Government. In this context, Senegal said that it had no problem giving up its sovereignty since its constitution categorically provides for ceding sovereignty in favour of any integration arrangement. It claimed that the countries that were not ready for a Union Government were anti–integrationists! Further, Senegal said that, if necessary, those countries that were ready for a Union Government could form one without those that were not, and they could join later.

A number of other leaders who supported the gradualist view cautioned against this approach as it would divide the continent and break up the AU, to which all member countries currently subscribe.

It is important to appreciate the position of the countries that argue that sovereignty is still an important issue. Historically, countries that fought for independence and liberation against colonial rule and apartheid mobilised the support of their masses on the basis of regaining the sovereignty of the colonised countries. Since when did this factor become so irrelevant in favour of integration? However, this is not to say that sovereignty cannot be shared in certain areas where countries have agreed voluntarily to cooperate in a regional integration arrangement.

It is further argued that the basis for any integration process begins with individual states agreeing to join such an arrangement. The argument that is often invoked, i.e. that sovereignty is no longer important in the face of globalisation where multinational companies are the major actors, is not wholly true. States still have an important role to play in ensuring the provision of public goods such as peace and security and strategic services such as education, health and infrastructure.

It is also true that globalisation has eroded the sovereignty of the least-developed countries, most of which are found in Africa. Countries are told that if they do not follow certain conditions the capital markets or the IMF will refuse to lend them money. They are basically forced to give up part of their sovereignty (Stiglitz 2003:247).

We argue here that it is possible to intensify regional integration in many areas without becoming entangled in the argument about sovereignty. In this regard countries may agree to share part of their sovereignty to promote such cooperation without giving up the principle altogether. In the context of African integration, this could be pursued through the establishment and operationalisation of the STCs, as we shall argue later. The sovereignty issue is bound to 'wither away' slowly as countries intensify cooperation at regional and continental levels.

The role of regional economic communities in the context of the African Union integration process

The role of the RECs in the context of the AU integration process was discussed extensively during the 'grand debate'. The side that supported the immediate establishment of an African Union Government argued strongly that the RECs had failed to achieve the African Economic Community envisaged in the Abuja Treaty (Organisation of African Unity 1991). Senegal, in particular, argued that the RECs, as they are currently constituted, were in fact impediments rather than facilitators of African integration. Hence, all RECs should be subjected to the control and leadership of an African Union Government. The side that supported gradualism in the AU integration process argued that RECs were still critical building blocks for the establishment of an African Economic Community and an African Union Government in the long run. Measures addressing the proliferation of RECs had already been taken by limiting the number of RECs recognised by the AU to the following eight (Economic Commission for Africa 2004:28):

- Common Market for Eastern and Southern Africa (COMESA)
- Community of Sahel-Sahara States (CEN-SAD)
- Economic Community of West Africa States (ECOWAS)
- Southern African Development Community (SADC)
- East African Community (EAC)
- Arab Maghreb Union (AMU)
- Economic Community of Central African States (ECCAS)
- Intergovernmental Authority on Development (IGAD)

It was stressed that RECs should be strengthened, rationalised and later harmonised. In this regard, the second Conference of the African Ministers in Charge of Integration was scheduled to take place in Kigali, Rwanda, on 26 and 27 July 2007, to review the process of regional integration with a view, among other things, to enhancing and accelerating the process of integrating, coordinating and rationalising the RECs and ensuring that decisions on integration taken at the continental level are implemented effectively by RECs (African Union 2007b).

One of the limitations of the RECs is that their programme of integration is focused mainly on trade. Hence the stages of the envisaged integration entail the creation of free trade areas, customs unions, common markets, monetary unions and, lastly, political and economic unions. According to this model, it would be possible to establish an African Economic Community when RECs reach the stage of a customs union, after which it would be possible to merge the different customs unions. So far only the EAC has created a customs union. The other RECs are expected to reach this stage between 2008 and 2017.

At the Kigali meeting of ministers in charge of integration, it was observed that so far Africa's integration programme has been based on the Abuja Treaty, which, even though well thought out, was weak, given its focus on economic issues without addressing political, social and cultural issues. In this regard, the meeting stressed the need to broaden the scope of regional integration to cover economic and other crucial issues such as infrastructure, capacities for the production of goods and services, and peace and security. Furthermore, the AU should coordinate the activities of RECs and ensure they are in line with AU and NEPAD policies and programmes (African Union 2007b).

Strengthening the AU institutions

At the Accra summit, the supporters of the gradual approach to the establishment of an African union government argued that perhaps it was too soon to change the Constitutive Act after its adoption only five years ago. The Constitutive Act provides for the establishment of the main institutions of the AU. These are the AU Commission, the Pan–African Parliament, the African Court of Justice and the financial institutions – the Central Bank, the African Monetary Fund and the African Investment Bank. Furthermore, in order to facilitate the involvement of civil society and NGOs, the Constitutive Act provides for the establishment of the Economic, Social and Cultural Council (ECOSOCC) (African Union 2000:13-14).

The Commission, the PAP and the African Court of Justice are already in place, while the process of establishing the financial institutions is underway.

It was urged that an audit of the status of the AU institutions, organs and programmes should be undertaken to establish the capacity and performance of the AU Commission since its establishment in 2003. In this regard, the organs that have already been established, namely the PAP, the Court of Justice and ECOSOCC, should be examined with a view to strengthening them. Similarly, RECs must be assessed with the purpose of making them more effective as the AU building blocks as well as aligning their programmes with those of the AU and NEPAD. Furthermore, NEPAD should be integrated into the AU. The audit should also address the issue of alternative sources of financing for the AU, with a view to mobilising additional financial resources for its activities and programmes. These proposals were included in the list of issues to be examined by the ministerial committee.

The specialised technical committees

The establishment of the STCs is provided for in Articles 14 and 15 of the Constitutive Act. It is stated that the STCs will be composed of ministers or senior officials responsible for sectors falling within their respective areas of competence (African Union 2000:11-12).

Article 14 of the Constitutive Act lists the STCs, which cover the following areas:

1. Rural economy and agricultural matters
2. Monetary and financial affairs
3. Trade, customs and immigration matters
4. Industry, science and technology, energy, natural resources and environment
5. Transport, communications and tourism
6. Health, labour and social affairs
7. Education, culture and human resources

It is further stated that the Assembly shall, whenever it deems appropriate, restructure the existing committees or establish other committees (African Union 2000:12). The ten commissions that comprise the AU secretariat were formed based on the thematic issues addressed by the committees listed above. One innovation was the addition of an AU Commission on Peace and Security. Unfortunately, the STCs as proposed by the Constitutive Act have not yet been established. The AU study on a Union Government (African

Union 2006) suggests that ministerial structures should be established on the basis of the 16 strategic focus areas. The AU Commission for its part has proposed the establishment of STCs in 19 areas. However, it appears that given the purpose of establishing STCs on the basis of clusters of ministries that cover interrelated issues such as infrastructure, industry and trade, social affairs, education, health, social welfare, employment, peace and security, etc., the number of STCs should be between ten and 13 at most.

It is hereby proposed that the STCs should be established urgently. They could then replace the existing ten AU commissions. The main task of the new commissioners in charge of the STCs would be to coordinate the work of the various sectoral ministries, meeting as STCs at the AU level. Each STC would be expected to draw up a common policy and programmes that member countries would agree to implement at a national level. The STC meetings could be preceded by meetings of senior officials as provided for in the Constitutive Act. The outcome of each STC meeting would then be forwarded to the Executive Council through the chairperson of the STC or the appropriate commissioner. Furthermore, each commissioner would monitor the implementation of the STC programmes and projects in each member state and in the RECs.

Suggested specialised technical committee ministerial clusters

How the STCs may be configured is subject to consultation among member states. However, for the purpose of this paper we suggest the establishment of the following STC ministerial clusters:

1. Economic – economic planning, finance, trade and industry, marketing and customs

2. Infrastructure – transportation (railways, roads, air services, water, sea and port services), post and telecommunications, ICT, energy

3. Food and agriculture – agriculture, animal husbandry, fisheries, irrigation

4. Environmental – forestry, desertification, biodiversity

5. Education – literacy, universal primary school education, secondary school education, tertiary education, science and technology, research and development, post-primary school, post-secondary school

6. Social – health, social welfare, gender, youth and children, water for sanitation, sports and culture

7. Labour, migration and human resource development

8. Natural resources – minerals, water, national parks, tourism

9. Peace and security – internal affairs (police), defence, intelligence

10. Good governance – justice, civil service, civil society organisations, NGOs

The ministers of foreign affairs may constitute themselves as an STC but this may not be necessary since they meet as the 'Council of Ministers'. Other STCs may be involved in the meetings of councils, particularly when issues concerning their STCs are being discussed. Through the STCs, the Commission will be able to coordinate and harmonise policies in all the AU member states.

Conclusion

This paper has examined the Accra Declaration and discussed the context within which the issues to be examined by the ministerial committee were raised during the 'Grand Debate on a Union Government'. We contend that the arguments for the establishment of the Union Government as contained in the AU study document are not well focused or convincing to the member states that argue for a gradual approach. In this regard the paper stresses that there is a need to continue searching for the imperative issues that will form the basis for a rallying point for integration toward the establishment of a Union Government.

After reviewing the ideas on imperatives or rationales for integration, the paper suggests that the challenges that may constitute strong imperatives for integration include *poverty reduction*, *literacy* (addressing a wide range of aspects from basic literacy of the masses, through *primary*, *secondary* and *tertiary education* and learning basic skills, to science and technology), *disease* (from prevention to the treatment of epidemics such as HIV/Aids, malaria, tuberculosis, etc. and putting health facilities in place) and values such as *good governance*, *democracy* and *human rights*. At the regional level the development of productive forces for tradable goods, infrastructure, food self-sufficiency, energy, ICT, etc. could also be important rallying points for

integration. Furthermore, the need for Africa to *speak with one voice* on matters of interest to the AU and its member states also offers an important rationale for integration.

On the issue of *sovereignty*, the paper notes that many countries still cherish sovereignty as an important symbol of independence. It is possible, however, to intensify regional integration in many areas without becoming entangled in the argument about sovereignty, which many countries are not yet ready to give up. In this respect countries may agree to share part of their sovereignty. It is our view that the sovereignty issue is bound to 'wither away' slowly, as countries intensify cooperation at regional and continental level.

In the meantime, the paper proposes that in view of the reluctance shown by the majority of the countries supporting the gradual move towards the establishment of an African Union Government the focus should be on *strengthening, coordinating and rationalising the RECs* and *strengthening the African Union institutions* by completing the formation of the financial institutions, strengthening the Pan-African Parliament and the African Court of Justice and establishing and operationalising the STCs. The paper proposes that the AU Commission should be reconfigured to reflect the STCs. It is hoped that the STCs will enable the Commission to coordinate and harmonise various policies as agreed to by member states and thus prepare the ground for the establishment of an African Union Government in the future.

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UTILISING THE MANAGEMENT OF NATURAL RESOURCES TO FORGE A UNION GOVERNMENT FOR AFRICA

Chrysantus Ayangafac

Introduction

Is an abundance of natural resources a blessing or a curse to African integration? Why would an African country accept full integration if it means losing control, ownership and access in relation to its natural resources? Is the debate about sovereignty within the context of forming a Union Government for Africa all about control, access and management of natural resources? What is the nexus between natural resources, political security and integration? These questions arise against the backdrop of a critical juncture in Africa's political economy, the quest for full integration, the continent's dependence on natural resources for state survival and most importantly the global scramble for Africa's natural resources. In attempting to answer these questions, the aim of this paper is not to offer sacrosanct answers but rather to provoke a debate on natural resources and African integration.

Much has been said about the role of natural resources in triggering and sustaining conflicts (Collier & Hoeffler 2001; Berdal & Malone 2000; Lind & Sturman 2002) and development in Africa (UN Economic Commission for Africa 2006). However, the role of natural resources in African integration has received little or no attention from scholars and policymakers. This is remarkable considering that even when there is talk about the AU mimicking the EU there is no mention of the role played by natural resources (coal and steel) in European integration. The basic rationale behind the formation of the European Coal and Steel Community was that if Germany and France could control each other's access to and use of coal and steel neither of the two countries would ever be able to produce weapons and enter into a war again. As such, the initial purpose of the EU can be traced to a political venture (European Union 2007).

Until now the nexuses between natural resources and conflict and between natural resources and African integration have been approached as two distinct themes. This paper challenges this approach by arguing that the new line of thinking regarding security on the continent, i.e. from state to human security, and the importance of natural resources in the political

economy of African states puts natural resources at the epicentre of any discussion on African integration. This paper submits that establishing a common framework or minimum standards for the management of Africa's natural resources could enhance and accelerate the formation of a Union Government for Africa. This argument is not new. However, the paper is an attempt to support the need to generate 'minimum standards for application in the exploitation and management of Africa's natural resources in areas affected by conflict', identified by the AU-NEPAD consultations in 2003 as one of the eight priority areas that constitute the African Peace and Security Agenda (African Union 2003). The paper also argues in support of the need for the harmonisation of national policies in order to promote community activities, particularly in the fields of agriculture, industry, transport and communications, energy, natural resources, trade, money and finance, human resources, education, culture and science and technology, as called for by the Abuja Treaty in 1991 (Organisation of African Unity 1991). Moreover, it is important to note that the AU has identified coordination and cooperation with regard to natural resources as one of the 16 priority areas for African integration (African Union 2006).

The paper begins by outlining the argument and then moves on to interrogate the conceptual, theoretical and empirical link between natural resources, sovereignty, political security and integration.

Argument

The argument put forward here is that establishing minimum standards could sustain and enhance the formation of a Union Government for Africa. This is not to suggest that once minimum standards with regard to the management and exploitation of natural resources are established the continent will realise the dream of a Union Government or United States of Africa. Grounded in neo-functionalism, the paper argues that a common position or cooperation with regard to natural resources might produce political incentives and functional spillovers for the gradual and sustainable formation of a Union Government for Africa.

African domestic politics is a two-level game. As such, a common position on natural resources will certainly affect domestic politics with regard to potential costs and benefits. Within this context, if the benefits of a common position outweigh potential cost, politicians will be more amenable to integration. Establishing a common position or minimum standard with regard to natural resources might seem good politics insofar as it entails a

commitment to overcome the problem of time consistency, thus providing incentives for further integration. Potential benefits could be measured in terms of political security as a function of sustaining human security.

However, it should be noted that politicians represent the interests of certain constituencies and powerful interest groups. As such, if a common position on natural resources is beneficial for certain powerful domestic interest groups they will almost certainly try to influence state behaviour toward integration (Rogowski 1989). The point here is that in understanding the formation of a Union Government for Africa African political leaders are not the only unit of analysis. It is imperative to understand the various competing domestic interests that animate the integration discussion within a state. Identifying these interest groups and their influence on government is imperative.

A common position on natural resources can also be a response to globalisation as a means of preserving domestic, social and distributive agendas that are threatened by globalisation. At the heart of this argument is the need to preserve sovereignty (African ownership over natural resources and political legitimacy), promote social justice and enhance competition. As a consequence, while globalisation tends to de-emphasise boundaries, sovereignty and national identity, a common position on natural resources should be seen as an attempt by state actors to reimpose these boundaries at a different level (not within Africa but on the borders of Africa), thus creating a new, larger space out of smaller territories.

Integration in relation to a particular natural resource might demand integration in other areas. For instance, if there is some sort of common position regarding oil exploration and exploitation on the continent, there will definitely be a need for integration in other areas. Oil exploitation and exploration are not stand-alone events; they are part of a significant process that is contingent on other economic activities, for instance technology, market access and transportation.

Natural resources, political security and African integration

A common position on natural resources as good politics

Integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions possess or demand jurisdiction

over pre-existing national states (Haas 1958). From a politico-economic perspective, integration occurs when organised economic interests pressure governments to manage economic interdependence by centralising policies and creating common institutions, while at the same time providing benefits to politicians. As a result, integration is not solely the decision of a political leader but also that of powerful constituencies and interest groups. Thus there is a need to build the necessary constituency for advancing political integration (African Union 2006).

Economic policies are a reflection of a leader's survival strategy, thus bad economics can make good politics (De Mesquita et al. 2005). Alence (2004) argues that the alignment between political incentive and economic development determines the economic policies a government will pursue. For example the EU and US agricultural policies are hardly informed by economics. Commercial farmers are the main proponents of agricultural protectionism within the US domestic political system (Ayangafac 2005). Within this context, research on integration should be shifted from the national executive to different facets of a community, to the principal agents of change, which could be technocratic elites, politicians, supranational interest groups or other lobby groups (McGowan 2007). These agents pursue their own interests and in so doing provide the dynamics for further integration.

Since integration is merely the expansion of interest and power, sovereignty is a mechanism to delineate the geographical and legal confines of this interest and power. Given the preoccupation with sovereignty within the debate on African integration, one is tempted to conflate sovereignty and political security. Sovereignty in this regard is the ability of the political leadership (supposedly in the name of the people) to exercise control over a specific territory and its natural resources. Political security is the ability to hold onto power or at least influence it. There is no doubt a politician will accept integration only after carefully weighing up the long-term costs and benefits. The 'benefits' are calculated in terms of political security (staying in power, political certainty and influence), while the 'costs' are the risk of losing autonomy and control.

The weakest link so far in the discourse on African integration has been how to make integration attractive to politicians. Despite its normative imperative, pan-Africanism is of little value to the political calculations of most African leaders. As a result, the debate on African integration needs to address the question of political security. Integration on the continent should be seen as an extension of domestic politics. Integration affects the benefits leaders

receive from international engagement. Considering that access to and control over natural resources such as diamonds, oil, copper, land, water, cocoa and coffee is at the epicentre of domestic African politics, how do we fashion African integration in such a way that states do not lose their control over these resources but rather gain from the cooperation? Moreover, how can the continent turn the inter-state conflict over resources such as water, oil and land into cooperation?

A perusal of Africa's political economy will reveal that almost all African states are reliant on one or two natural resources. For example some African oil-producing countries depend almost entirely on oil for their income. Nigeria derives 83 per cent of government revenues from oil, Angola 90 per cent, Congo-Brazzaville 80 per cent and Equatorial Guinea 61 per cent (Gary and Karl 2004). In view of this, why would the president of an oil-producing African country accept integration if it meant losing control over oil rents and thus his manoeuvring space to dispense rewards to his internal and external clients? Since politics in most of these oil-producing countries is grounded in neo-patrimonialism, there is no doubt political security is determined by access to and control over oil rents. As a consequence, any discussion on sovereignty on the continent seems to be about ownership, control and access to resources. The point I am stressing here is that, since political security on the continent is predominantly about appeasing a few selectorates (for example the army, a particular ethnic group or foreign interest) rather than the broader electorate, even if a common position on natural resources might enhance the human security situation of Africans it would be bad politics because it would threaten the interest of powerful political players. Until there is alignment between political security and human security within the context of competitive politics, good economics will always be bad politics on the continent.

However, African political leadership should not be considered a unit of analysis. The African leaders merely represent those constituencies that exert the most influence on government. This is not limited to African politics. Within this context, political spillover from adopting a common position on natural resources might enhance the formation of a Union Government for Africa through the expansion of political constituencies. As people begin to benefit from a common position on natural resources, new loyalties and political constituencies would be created at the national and international level. In other words, as the continent begins to cooperate on sectoral activities, there would be a demand for increased integration from interest groups, bureaucrats and other domestic actors, who would direct their expectations and operations to a supranational African organisation.

Haas developed this argument to explain the process whereby the expectations of societal actors changed to the degree that they opted for more and deeper integration (Haas 1958). It was generally held that specific elite actors would pursue more supranational integration to serve their own interests. Thus, 'as the process of integration proceeds, it is assumed that values will undergo change, that interests will be redefined in terms of regional rather than purely national orientation and that the erstwhile set of separate national group values will gradually be superseded by a new and geographically larger set of beliefs' (Haas 1958). This is not to suggest that once this process is initiated, further and deeper integration is going to follow. Integration is not an event; it is a process that develops over time. Thus important policy discussion should focus on how the continent could consolidate the gains made so far by integration and build on those gains for further integration.

However, the influence of emerging interest groups on integration is contingent on the leverage these groups have on the political leadership. This depends, to a large extent, on the existence of credible domestic institutions to ensure that their interest in fostering economic exchange prevails over other specific interests or domestic pressure groups. Probably the absence of powerful interest groups with a vested interest in the formation of a Union Government for Africa explains the absence of continental integration as a political issue in domestic African politics. The formation of a Union Government is hardly an election issue in Africa. Even those countries advocating immediate full integration have not raised the issue in their elections (if indeed they have elections).

Simmering conflict between Cameroon and Nigeria over oil-rich Bakassi, Equatorial Guinea and Gabon and the conflicts in the Horn of Africa over water (Tadesse 2003) are vivid examples of how contestation over natural resources can ignite inter-state conflict and impede continental integration. Economic interdependence reduces conflict (Barbieri 1996). As countries become interdependent on each other, they not only build trust among themselves, but also increase the costs of fighting. A common position on natural resources will enhance the level of trust between nations. The São Tomé-Nigeria Joint Development Authority and Gulf of Guinea Commission are good examples of instruments that mitigate inter-state conflict over resources. The founding fathers of the European Economic Community considered the interlocking of strategic industries such as coal and steel to be a way of reducing the risks of intra-European war, especially between France and Germany. Similarly, the creation of Mercosur contributed to improved relationships between Argentina and Brazil (Goldstein 2002).

A common position on natural resources as a response to globalisation

Establishing a common position on natural resources as some form of regionalisation should be looked upon as a strategic response to globalisation and an attempt to strengthen ownership and beneficiation (Nesadurai 2002). There is no doubt globalisation has entrenched Africa's marginalisation in the global political economy (NEPAD 2005). Moreover, under-exploitation of its potential has increased the marginalisation of the continent in world affairs (African Union 2006). As such, Africa is locked in the vicious cycle of globalisation causing underdevelopment and underdevelopment entrenching globalisation. Liberalism has exposed Africa's natural resources to huge capital, which does not usually have the continent's social welfare at heart.

Lack of experience and political leverage have seen some African countries giving away their natural resources for close to nothing within the framework of production-sharing agreements. For example Nigeria, with three per cent of the world's oil reserves, gets 81 per cent of oil profits whereas Argentina, with 0,3 per cent of the reserves, gets 44 per cent (Muttitt 2005). While 81 per cent might look fair, as energy economist Ian Rutledge points out, it is not enough to look just at that figure to judge fairness – one must consider variables such as the country's geological, political and infrastructural attractiveness. A key measure of whether the state has been given a fair deal is the level of profits a company makes. On a field of 750 million barrels, for example, with capital expenditure of $1,50 per barrel and an oil price of $23 per barrel, the production-sharing agreement terms in Oman would give the state a take of 81 per cent. Although this sounds high, it should be contrasted with the company internal rate of return (a measure of profitability) of 31 per cent, compared with a usual target for companies of 12 to 15 per cent. This field would thus be very profitable (Muttitt 2005). The point here is that measuring how much a country benefits can hardly be captured by the simple calculation of production or profit.

Lack of capital and expertise have been put forward as reasons for soliciting production-sharing contracts. The lack of negotiating experience of some African countries has led them to bargain from weak positions, forcing them to accept ludicrous deals. A case in point is Chad. Even though outside observers commented that the government's agreed share of revenue was low[1], the government found itself getting even less than it expected. Chad's Oil Minister, Youssouf Abassalah, commenting on the consortium managing Chad Oil, said that '[r]egarding the application of the contract, we have different views on what should be going to Chad in terms of the share of oil revenues' (Muttitt 2005).

This situation is also found in the fishing industry. The Law of the Sea places 95 per cent of world fish stocks and 35 per cent of oceans under the jurisdiction of coastal states (Greenpeace 2007). The coastal states' control over their coastal areas and marine resources should supposedly have been strengthened by the concept of the Exclusive Economic Zone. However, in practice this seems not to be the case. Most African coastal states have concluded agreements guaranteeing the EU fishing rights. But the worrying thing is that within the framework of the Cotonou Agreement single European countries like Spain are able to negotiate as part of a bloc with individual African countries, thus placing the African countries in a very uncomfortable position. Why can Africa not reverse this trend by negotiating as a bloc, too?

The establishment of a minimum standard or common position on natural resources could remedy this situation by enabling the continent to negotiate as a bloc, exchange experiences with regard to negotiating energy deals, exchange technological experience and expertise and share information on the negotiation strategirs and techniques of the multinational companies. Most importantly, a common position would redress the differential environmental practice adopted by these multinational companies. Even some African companies adopt differential practices across the continent. The environmental standards they observe in their countries are not the same as the ones they observe outside their borders.

A common position on natural resources could also create a technical or functional spillover that could trigger sequential cooperation (both intended and unintended) in other related areas. For example if the continent can develop a common position on oil it is natural that cooperation in other areas such as research and transportation would follow suit, thus generating a multiplier effect that might affect other sectors of the economy. This is not to suggest that the functional spillover will be automatic. Rather, the point is that sectoral integration will have a positive effect on other sectors, which might lead to pressure for further integration as a measure to consolidate attendant gains.

Conclusion

This paper set out to initiate a debate on the role that natural resources can play in continental integration, particularly in the formation of a Union Government for Africa. It argued that encouraging African countries to work together to manage their natural resources economically might generate the political incentives to foster continental integration. It also argued that the

collective management of natural resources would enable the continent to respond more effectively to the pressures of economic globalisation. As the paper did not provide an exhaustive analysis of how natural resources can promote continental integration, additional empirical research needs to be undertaken. The innovation of the research conducted in relation to this paper is that it assesses an alternative basis upon which to form a Union Government for Africa.

Note

1.   A World Bank inspection panel commented that the 'Panel was struck by the estimated financial returns to Chad over a 28-year period, having regard to the magnitude of the Project, and is concerned that it was unable to find any analysis to justify the allocation of revenues among Chad, Cameroon and the Consortium. While the Panel recognises that Management sought to ensure that Chad had access to reputable legal and financial services in its negotiations with the Consortium, it remains concerned about the adequacy of the allocation of revenues to Chad.' (Cited in Muttitt 2005.)

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AN AFRICAN CONSTITUTION?
TEN HYPOTHESES OF WHAT
IT SHOULD INCLUDE

Maurice Tadadjeu

Introduction

The purpose of this paper is to examine the concept of an African constitution and its place and function within the current 'grand debate' on a Union Government for Africa. The paper will show that the need for a constitutional vision is urgent at this historic moment of Africa's evolution and that such a vision has already materialised in a reference draft constitution, which should be recognised officially by the AU.

As a matter of fact, an important conceptual gap remains to be filled in the 'grand debate' leading to the creation of the 'United States of Africa'. This vacuum has to do with a clear and official vision of what the United States of Africa is all about. Some of its characteristics can be derived from the AU Constitutive Act and the various studies carried out since January 2005 on the concept of a Union Government. At present the only existing, coherent and almost complete vision of the United States of Africa is the 'Third Draft Constitution of the United-Africa (The United States of Africa)' (African Civil Society Organisation 2005). But this is not yet an official document. It was proposed by segments of African civil society in May 2005 under the auspices of a continental platform, the African Civil Society Organisations (ACSO), following a collective endeavour dating back to September 1999, i.e. immediately after the Sirte Declaration.

It is vital to have, from the early stages of the collective reflection on the Union Government, a clear and officially recognised vision of the United States of Africa (African Union 2006a). Such a vision, duly approved by the AU, would help, among other things, in perceiving the ultimate objective of creating the United States of Africa, not as an end in itself or as a point of arrival, but rather as a new point of departure toward a more united, peaceful and prosperous Africa.

In this perspective, the present paper will not try to present the author's opinions about the ten hypothetical provisions that an African constitution should include. It will rather endeavour to identify the ten most important

provisions of the 'Third Draft Constitution of United Africa (United States of Africa)' and present them as clearly as possible. In so doing, it is hoped that the paper will contribute to the rapid filling of the official conceptual gap noted above, by drawing the AU's attention to the urgent need to evaluate the existing United Africa (UA) Draft Constitution, and eventually adopt it as an official reference document.

As a matter of fact the Accra Declaration, which appears in President Thabo Mbeki's words to be a new *continental directive* (Mbeki 2007), makes it imperative for African people on the continent and in the Diaspora to participate fully in the process leading to the formation of a Union Government, so as to ensure that the African Union is a union of peoples and not just a 'Union of States and Governments' (African Union 2007a). It is therefore logical to bring to the core of the 'grand debate' a genuine intellectual product of segments of the African people, reflected in the UA Draft Constitution.

A brief summary of the UA Draft Constitution

The 'Third Draft Constitution of United Africa (the United States of Africa)', which we shall call the UA Draft Constitution, was finalised in Yaoundé, Cameroon, on 25 May 2005 following the end of a collective endeavour that started formally in September 1999 but can be traced as far back as the mid-1990s. (A book entitled *Confédération des Etats-Unis d'Afrique* devoted a whole chapter to the subject (Tadadjeu 1996).) It includes pertinent provisions of the 1963 OAU Charter, the 1991 Abuja Treaty establishing the African Economic Community and the Constitutive Act of the African Union of 2000 (including its 2003 amendments). New provisions, i.e. provisions not contained in past texts of the OAU and the AU, constitute about one-third of the content of the UA Draft Constitution. This document is, therefore, a text that is essentially built on the gains of the OAU and AU.

The document is made up of two parts, preceded by an introductory note on the motivations and methodological approach underlying the text. The first part deals with the political integration of the continent and includes the following innovations compared with existing OAU and AU texts:

1. Associate membership to be accorded to the African Diaspora (state or local) communities that apply for such status (article 3)

2. The creation of appropriate natural, material and financial resources for the general management and development of the continent and its regions (chapter 6 in full)

3. The creation of a pan-African army as an extension and completion of the current initiative aimed at instituting an African Standby Force as a permanent mechanism for bringing lasting peace and security to the continent (chapter 8 in full)

4. The participation of political organisations (movements and parties) as major stakeholders in the process of building a united Africa (chapter 9)

5. The regrouping of existing AU executive portfolios and their extension from ten to 15 (articles 22-23)

The second part deals with the economic, social and cultural integration of the continent. It is essentially based on the Abuja Treaty and includes the following innovative provisions:

1. A reorientation and inclusion as part of the UA Constitution of pertinent provisions of the Abuja Treaty on the one hand, and a reinterpretation of provisions that are less suitable within a constitutional framework as part of a related protocol on the other

2. A general orientation and clarification of African civil society's participation in the process of building the united Africa (chapter 12)

3. Control of the urbanisation process in Africa (chapter 20)

4. The mobilisation of new human resources and the popularisation of the ideals of the united Africa (articles 97-98)

5. The protection of African leaders against *coups d'état* and the protection of people's rights to oppose any kind of dictatorship peacefully (articles 113–114)

Many other innovative provisions, some of them very important, are embedded in appropriate paragraphs and can only be detected through a careful reading of the whole text. The full document is made up of 31 chapters divided into 130 articles. It should be noted that, although the UA Draft Constitution has almost the same institutional architecture as the AU Constitutive Act, its organs and institutions generally have more substance, autonomy and powers than those of the AU. 'Subsidiarity' (or complementarities) is the general principle governing the relationships between the organs and institutions of the UA at the continental, regional and national levels.

A careful comparison of the UA Draft Constitution and the various proposals that have been formulated on the Union Government for Africa shows remarkable convergences and natural complementarities. For instance, compared with the AU Commission's *Report on the Modalities for the Implementation of the Union Government for Africa* (African Union 2006b) the UA Draft Constitution displays the following differences:

1. It demonstrates greater substance and future outlook than the AU Constitutive Act, including its proposed new amendments

2. it shares important common features with the proposed Union Government, such as the executive functions of the Commission, the (co-)legislative functions of the Pan-African Parliament, the regrouping and extension of executive portfolios as well as the role of specialised technical committees, but also contains some less advanced provisions , for instance advocating the creation of an *Office of the President of the Union* to be held as a full-time function by a former head of state or a high-ranking African personality

Actually, reading through the various technical documents on the Union Government gives an almost unmistaken impression that some of the authors of these documents have come across the UA Draft Constitution and have used it, even if they did not explicitly cite it. The appellation of the future African common currency, *Afri*, the regrouping and extension of executive portfolios and the role of specialised technical committees illustrate this.

It is also important to note that, generally, the collective reflection on the Union Government undertaken until now has brought to light the natural and complementary relationships between the constitutive texts of the African Union and the UA Draft Constitution, thus validating the latter, theoretically and indirectly. As a result its usefulness as a reference document in this collective march towards a more peaceful and more prosperous Africa appears to be further consolidated.

Following its adoption in May 2005 the UA Draft Constitution was submitted to a process of popular endorsement through a pre-pan-African referendum. The main objective of the process is to collect a minimum of one million *UA founders' votes* in order to turn this popular consultation into a self-sustaining mechanism on the one hand and to persuade the AU to organise an official pan-African referendum on the Draft Constitution on the other. Although there were some practical and material difficulties in getting the pre-referendum off the ground, the process is now operating quite well.

Thousands of Africans have become founders of the 'United States of Africa'. The number of Africans voting on the continent and in the Diaspora is continually increasing. The probability of reaching the one million UA founders target in a few years is quite high.

The UA Draft Constitution is open to criticism from any reader, just like any other publication. It is also open to amendments proposed by voters. An African civil society conference is planned in Yaoundé, Cameroon, in early November 2008 to examine the various amendments collected from the voters.

The UA Draft Constitution can be accessed at the following Website: www.foscam.org.

Three synonymous appellations for the same geopolitical entity

It is important, at this juncture, to clarify the main terms used in this paper. These are related essentially to two main concepts, i.e. 'United States of Africa' and 'Union Government.' The need for such terminological clarification has also been expressed in the document entitled 'Draft Contribution of ECOSOCC to the Grand Debate on the African Union Government' African Union 2007b).

In Africa any name generally has a meaning. People's names as well as place names carry historical, practical or moral significance. Also, a name tends to carry specific aspirations or objectives. This authentic African tradition should be kept in mind as the various appellations of the future supranational African state are discussed.

The term 'United States of Africa' can be traced back to the first two decades of the 20th century, in fact before 1919. It was introduced by the first pan-Africanists, the most prominent of whom was WEB du Bois. It translates their inspiration from the model of the United States of America and, eventually, the Soviet Union. It is believed that, for the sake of historical loyalty to these fathers of modern pan-Africanism, this appellation should be maintained. But a more authentic term that can be found in almost all pan-Africanist writings and that is easily usable is *the United Africa*, also written as *United-Africa* (abbreviated as *UA*). Both terms should be used as synonyms depending on whether one is referring to history or to practical and immediate concerns. Of course, the 'United States of Africa' cannot be a subservient imitation of the United States of America.

The term '*Union Government*' has evolved remarkably since January 2005. At the start it had an all-embracing meaning that can be summarised as 'reinforced or reformed African Union.' Today it essentially means two things: the 'African Union Executive' on the one hand and the 'system of governance of the African Union' on the other. Both these meanings are valid, although one needs to be more precise about what one means when using the second. The first is more common, because it translates the collective experiences of ordinary Africans in governance.

Turning to the term '*Union*' as used with reference to the African Union, it should be noted that it will continue to be used even after the establishment of the United States of Africa and when one would no longer speak of the African Union. This word should be given an authentic, legitimate and quasi-indisputable qualifier. One such qualifier is '*pan-African*'*.* It faithfully reflects the out-of-continent component of the united Africa that is now being built. In a way this qualifier pays well-deserved homage to the first African Diaspora to whom we owe the essentials of modern pan-Africanist ideals. Therefore, after the African Union, like the defunct OAU, is transformed into the united Africa, one would still refer to it as the *Union*, meaning *the Pan-African Union.*

The above points to three different appellations for the same geopolitical entity, namely the United States of Africa, the United Africa and the pan-African Union, but this is certainly not the only case in the world of more than one term being used.

The ten most important provisions of an African constitution

This paper is intended to present the ten hypothetically most important provisions that should be included in an African constitution. As indicated earlier, the paper is also intended to contribute to the current grand debate on a Union Government for Africa. For this reason, the ten provisions presented below are drawn from the UA Draft Constitution, which is in fact not hypothetical – it is already a true reflection of the aspirations of thousands of Africans 18 years and older. The provisions selected are presented randomly.

1. An AU-based institutional architecture

An African constitution should have an AU-based institutional architecture. The existing AU institutional architecture is the result of a collective effort and

experimentation over the entire lifespan of the now-defunct OAU. Although it is inspired by the European institutional network, it can be defined to meet the needs of the African people on the continent and in the Diaspora. What is required of today's AU organs and institutions is a clear and systematic definition of their respective nature, autonomy, functions and powers, and the subsidiarity principle governing their mutual relationships. Of course a few more organs and many more institutions will be needed, but these can be added in the various protocols that will gradually complement the fundamental provisions of the constitution. As noted earlier, the UA Draft Constitution has almost the same institutional architecture as the African Union.

2. A three-level governance structure

The African constitution must crystallise the three-level governance structure typified by the existing national, regional (including Diasporan) and continental institutions of the AU. Here again the subsidiarity principle should govern their relationships and provide for a clear hierarchy of powers. Continental institutions must have higher powers than the regional ones and the latter than the national institutions. This three-level governance structure is found in the UA Draft Constitution.

3. Co-ownership of the continent as the foundation of African citizenship

The concept of African citizenship must be enshrined in the African constitution. This concept should be based on the value of co-ownership of the continent by all Africans. One of the most innovative provisions of the UA Draft Constitution is precisely the declaration of this principle in chapter 6. There is no better foundation for an African citizenship than that of recognising that this huge continent called Africa was made for all Africans and must remain the collective property of all Africans.

4. A continental fiscal system

One of the main functions of an African constitution is to establish the whole continent as a single supranational geopolitical entity. The UA Draft Constitution refers to this entity as 'a State of States, a nation of nations, a country of countries'. It is a fact of life that the governments of nations live on taxes, i.e. on well-established fiscal systems. So shall the government of the United Africa.

However, the peculiarity of the UA is that it will not have to tax its citizens too much, because of their present state of poverty. Rather, it will establish an equitable system of exploitation and distribution of the natural resources that exist so abundantly all over the continent. The UA Draft Constitution refers to this approach as the 'resolution of the African paradoxical equation', i.e. the solution of this paradoxical situation of an African continent that is endowed with immense soil and subsoil resources as well as human resources, but that is also a continent on which people live in abject poverty.

5. A continental peace, security and defence system

An African constitution should guarantee permanent peace and security all over the continent. The UA Draft Constitution provides this guarantee through the creation of a pan-African army along with an appropriate security system. Without peace and security Africa cannot develop. This continent is capable of providing sustainable peace and security for its people. This should be done systematically without any further delay.

6. Full participation by political organisations

An African constitution must provide for full participation by political movements and parties in the building of a united Africa. The UA Draft Constitution does just that in chapter 9. It has been rightly observed that, since the wave of democratisation came into Africa in the early 1990s, political parties have limited their activities consistently to within their respective national borders. Regional and continental democracies are yet to emerge.

Access to elective functions at the regional and continental levels should become a continental constitutional right and be governed by clear democratic processes directly involving African political movements and parties.

7. A determining role for African civil society

African civil society on the continent and in the Diaspora has a determining role to play in the building of the UA. The UA Draft Constitution provides for a clear orientation and clarification of such a role and makes it possible for African civil society to self-organise and function autonomously.

8. Full integration of the African Diaspora

An African constitution should provide for full integration and participation of the African Diaspora in the building of the UA. This is done in various relevant provisions of the UA Draft Constitution. However, the African Diaspora itself should participate fully in the drafting and the adoption of the constitution through a specific pan-African referendum.

9. Special measures against coups d'état and dictatorship

This continent has consistently been the prey of coups d'état and dictatorships for over 40 years. An African constitution should put an end to such a situation. This is exactly what the UA Draft Constitution has done by providing for special measures to protect democratic governments of the union's states, guaranteeing the people's right to impeach and peacefully remove from office any head of state or government who ventures into dictatorial rule.

10. Redefinition of the concept of the African Economic Community

An African constitution should redefine the concept of an African Economic Community. As a matter of fact, the Abuja Treaty establishing the African Economic Community remains a shelved masterpiece. The UA Draft Constitution provides for a reorientation of this concept toward the gradual establishment of an *integrated African economic zone* with one single currency, the Afri. It also incorporates the essential provisions of the treaty as constitutional economic, social and cultural provisions (including the promotion of African languages) and puts the remaining ones into an appropriate protocol.

Toward an official status for the UA Draft Constitution

The above presentation clearly shows that the UA Draft Constitution meets the main requirements of a genuine African constitution, at least as far as the present writer and the thousands of Africans who have already endorsed it are concerned. It should therefore receive proper attention from the African Union. More precisely, the AU should evaluate this document in the light of its decision to move the continent rapidly towards the 'United States of Africa'.

Such an evaluation should help the AU determine the official status of the UA Draft Constitution. As a result, this document could –

1. Serve as an official working document that will be amended and turned into the final version of the 'Draft Constitution of the United States of Africa' ultimately to be submitted to the African people for approval through a pan-African referendum

2. Be officially recognised for what it is, i.e. an authentic UA Draft Constitution, serving more and more as the basis for anticipated engagement (as is currently the case with the above-mentioned pan-African pre-referendum) in the gradual building of the 'United States of Africa'

It should be emphasised that by registering the UA Draft Constitution alongside other documents from African civil society in its official instruments for collective reflection on the Union Government in moving toward the 'United States of Africa' the African Union would show proof of its strong will to build a true union of African peoples, by endorsing a vision and ideas emanating from these peoples.

Conclusion

The United Africa is due to emerge out of two inspiring models. The first is the model of the United States of America, which inspired the founding fathers of modern pan-Africanism and brought about the concept of the 'United States of Africa'. This model is still very appealing to most Africans today. The second is the European Union model, which inspired the creation of the African Union, including its appellation and its institutional architecture. The UA, however, is emerging as a genuine African vision, generated by the African people for the African people. As a matter of fact, during the six years over which the UA Draft Constitution was produced, none of the several successive drafters appeared to pay any particular attention to the two inspiring models mentioned above. They were interested in drawing lessons from the OAU experience and from the initial experience of the AU in order to express, to the best of their abilities, the profound aspirations of the African people on the continent and in the Diaspora.

A Union Government for Africa is emerging as a transitional step towards a united Africa. Many people are even tempted to equate the two. One thing is sure: most of the provisions for the Union Government will be included

in the final version of the Draft Constitution of the United Africa. In other words, the formation of the Union Government is a prelude to the formation of the UA government.

In this perspective, the officialisation of the UA Draft Constitution by the African Union would be a significant step in the right direction.

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CONCLUSION:
THE PROSPECTS FOR A UNION
GOVERNMENT FOR AFRICA

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Introduction

On 27 November 2007 the AU Ministerial Committee on the Union Government began its third meeting, in Addis Ababa, Ethiopia. This committee was assigned a task by the 9th Ordinary Assembly of Heads of State and Government in July 2007, in terms of which the committee undertook to address some of the issues raised in the Accra Declaration (African Union 2007a). However, it remains paralysed by the divisions that have informed the debate on a Union Government for Africa. This book was also an attempt to engage with the Accra Declaration. The majority of chapters in the book have addressed the issues with which the Ministerial Committee on the Union Government is grappling. In this regard it will provide a basis for stimulating further debate on the proposed Union Government. In the final analysis, we need to question whether this debate has been useful or an unnecessary distraction. What are the prospects for a Union Government for Africa? This conclusion will not try to summarise the views on the Union Government debate discussed in preceding chapters. Rather, it will briefly highlight some of the key features of the discussion and suggest a way forward for the continuing debate on this subject.

Deliberating a Union Government for Africa

Given the inability of the Accra summit to deliver a decisive statement on the potential road map for a Union Government, the creation of a ministerial committee of ten countries was a useful tool for assuaging the fears and concerns of AU member states. The committee is composed of Botswana, Cameroon, Ethiopia, Egypt, Ghana, Libya, Nigeria, Senegal, South Africa and Uganda. Its task is to give greater clarity to the debate on a Union Government for Africa. The first meeting of the committee was held in September 2007 alongside the UN General Assembly meeting. The second meeting was convened on 27 and 28 October 2007 in Accra, Ghana. This meeting discussed five agenda items closely replicating the points stipulated in the Accra Declaration.

The elements of the Union Government and its relation to states

Firstly, the committee sought to identify the elements of the Union Government concept and such a government's relation to national governments. A number of the ministerial committee delegations 'felt that the Committee could not commence the identification of the contents of the Union Government concept and its relations with the national governments before the ongoing audit of the AU and its organs had been completed' (African Union 2007c:1). Nevertheless, the committee 'agreed to undertake this task in view of the fact that it was set out in the Accra Declaration adopted by the Assembly'. Therefore, the committee noted that 'in constructing the African Union Government, Africa should feel free to come up with its own model, while taking into consideration the experiences of India, Brazil, Europe, the Commonwealth of Independent States, and the United States of America' (African Union 2007c:1). The committee also agreed that 'Regional Economic Communities (RECs) should be rationalised, harmonised, and strengthened, since they are the foundation or building blocks of the Union' (African Union 2007c:1). The committee observed that 'the Union Government should be built on common values that need to be identified and agreed upon as benchmarks' (African Union 2007c:1). Some of these benchmarks were identified as peace and security, democratic governance, respect for human rights, transparency in public affairs and adherence to the rule of law. The committee also concluded that the 'Union Government is not just a union of governments, but also of peoples as well as the African Diaspora' (African Union 2007c:2). However, the consensus was that the 'Union Government should be a mechanism for the coordination of certain policy issues at a continental level given the principle of subsidiarity' (African Union 2007c:2).

Domains of competence for a Union Government

The Ministerial Committee proposed the following as the domains of competence for a Union Government:

1. Environmental issues (global warming, desertification, coastal erosion)

2. Pandemics, such as HIV/Aids

3. Research, universities and centres of excellence

4. International trade negotiations

5.   Peace and security

6.   Inter-regional and continental infrastructure (road networks, railways, ports, bridges and energy)

7.   Transnational crime (terrorism, drug and human trafficking) (African Union 2007c:2)

In effect the Ministerial Committee was suggesting that a continental governance structure could be established on the basis of these seven domains. Practically, if this proposal was adopted by the Assembly of Heads of State this would mean that pan-African continental 'ministers' would have a degree of administrative responsibility for ensuring that progress was made in these seven domains. If adopted, such a decision would launch the operationalisation of a Union Government for Africa, albeit with only seven domains of authority.

The elaboration of a time frame for the launch of a Union Government

The Ministerial Committee was not able to demarcate a time frame for the launch and operationalisation of a Union Government for Africa. However, it did refer to the AU *Study on an African Union Government: Towards the United States of Africa.* Ultimately the study is positive about the prospects for a Union Government and outlines the following three phases for the transition to a Union Government:

1.   The *initial phase* – commencing immediately after the decision of the Assembly at the AU summit in July 2007 and including all the steps and processes that are necessary for the immediate operationalisation of the union government

2.   The *second phase* – devoted to making the union government fully operational in all its components and to laying the constitutional ground for the United States of Africa

3.   The *third phase* – aimed at facilitating all required structures of the United States of Africa at national, regional and continental level (African Union 2006:32)

The study recommends a three-year period for each phase, which mean that the United States of Africa would be formed by the year 2015. Elections

would be held at continental, regional and national level, paving the way for the official constitution of the United States of Africa. In practical terms, this time frame may be unrealistic unless the focus is exclusively on the seven domains of competence outlined above. If the focus remains on these seven domains, an abridged form of Union Government could be operational in the time frame proposed. The interesting issue, however, remains whether the domains will be expanded or contracted by the Assembly of Heads of State and Government, which is the ultimate decision-making organ of the AU.

Additional sources of financing for the activities of a Union Government

On the issue of additional sources of financing for a Union Government the Ministerial Committee noted that 'while the current practice of five Member States paying 75% of the AU budget was based on the capacity to pay, at the same time it was recognised that this was not an ideal situation, and that other countries whose economies were improving should consider augmenting their contributions to the budget of the Union' (African Union 2007c:4). However, the committee revisited 'the proposal to raise levies on certain products and services as a possible alternative mechanism for mobilising resources for AU programmes and activities', which may include 'levies on insurance, international travel, international imports and exports, and private sector funding' (African Union 2007c:4). The taxation of mobile phone services was also proposed as an area for mobilising resources (African Union 2007c:5).

The Ministerial Committee resolved to examine the detail of the various recommendations by consulting with their sectoral counterparts on the feasibility of implementing these proposals.

Establishing a perpetual debate on the finite issue of unification

Clearly one of the best strategies for ensuring that progress is not made on African continental integration is to ensure that the debate on the issue continues in perpetuity. If implemented effectively, such a strategy could lead to the interlocutors losing interest in the debate, which would in turn lead to the death of the debate through attrition.

It is nonetheless fair to explore some of the legitimate concerns voiced by the opponents of a move to continental unity. First, it would be completely

uncharted territory for African governments to cede power to a supranational organisation on the scale that would make a Union Government functional. The genuine concern about the loss of power to make key decisions in the national and domestic theatre is valid. Whether governments have always exercised their power responsibly is another issue. The fact that the continent is so riddled with socio-economic and political challenges means that the laissez-faire attitude toward the misrule and mismanagement of national affairs should no longer be tolerated. There are legitimate concerns that a Union Government would gradually assume a function of monitoring the degree of commitment to which national governments have pledged themselves. Thus, a proposed Union Government could end up being a sort of 'continental guardian and enforcer' of principles, norms and policies. National governments are right to fear such an overarching continental monitoring system, but only if they are intent on continuing with undermining democratic governance, committing human rights atrocities and generally not exercising their sovereignty in a way that ensures the safety and security of their African citizens. Indeed, such governments should strive actively to prevent the realisation of a Union Government in Africa. However, if these are the types of national governments that will continue to prevail on the African continent then the promised land of peace, prosperity and development will indeed remain a distant dream.

There are concerns that a certain group of African countries is seeking a Union Government so that they can co-opt it further down the line for their own nefarious designs. Such an outcome is not beyond the realm of possibility. The majority of African governments have not perfected the art of good governance. It may be premature to expect them to behave like democrats and pluralists within a continental superstructure such as the proposed African Union Government .

However, the ultimate concern seems to boil down to the issue of power and resources. National governments are masters of their own domains when it comes to the management and distribution of power and resources domestically. Within the context of an African Union Government, many governments naturally fear the loss of this autonomy. A Union Government may become unwieldy once it is operational, at which point it may be too late to turn back the hands of time and revert to the status quo. There is a perception that a Union Government would usurp the power of the member states and the RECs. However, this is based on a profound misreading and misunderstanding of the nature of power and how it can be managed for the benefit of all. Ultimate power lies with the people. Governments only manage to exercise it either through the express will of the people or forcefully and

coercively against the aspirations of the people. Whether at a national level or a continental level, this principle of power residing with the people still holds. A Union Government for Africa would have to be accountable to the people of Africa. Yet the deliberations on the proposed Union Government have not proceeded on the basis of this understanding. Rather, national governments have led the debate almost to the exclusion of the people, with the exception of a series of consultations organised by the AU African Citizens Directorate (African Union 2007b). Governments that have no inclination to govern with the consent of their people will be justifiably concerned about a continental government that is similarly exclusionary and top-down in its governance practices.

Yet the debate on a Union Government for Africa has been launched and it appears that it will have to be either terminated or advanced. If the debate is terminated at a future AU summit and a clear road map is not articulated, African leaders would have succeeded only in briefly echoing the views expressed by Kwame Nkrumah over 40 years ago. If the debate is advanced and the domains of competence for an African Union Government are agreed upon and activated, the African continent will have succeeded in liberating itself from the legacy of colonialism, which laid the seeds of separation among the African people (African Union 2006).

Conclusion: Between a Union Government and a disunited continent

The realities faced by the African continent are stark. The impact on the livelihood and well-being of African peoples of the multitude of social, economic, political, security, environmental and health challenges cannot be underestimated. The wisdom in the seemingly innocuous cliché that 'united we stand, divided we fall' seems to have escaped a number of those engaged in the debate on a Union Government for Africa. Whether Africa should unite or stay divided is fundamentally a question of whether it is to survive and thrive or remain marginalised and exploited. It is appropriate that the continent should debate the modalities of this unification, but it is disingenuous of those who have no inclination to pool their sovereignty in order to overcome the multitude of challenges highlighted above to continue to pretend to be debating unification. The ability of the continent to begin to address its challenges from a common position of strength and unity will depend on how long its leadership continues to vacillate between a disunited continent and a Union Government. A Union Government will not necessarily be the panacea that delivers Africans from evil, but it will be an important step in the right direction.

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