

**The challenges of post-1990 regional
integration In Africa:
Pan-African Parliament**

Ogochukwu Nzewi, Senior Researcher

Policy Brief 57

April 2009

Published by the Centre for Policy Studies, an independent research institution, incorporated as an association not for gain under Section 21 of the Companies Act.

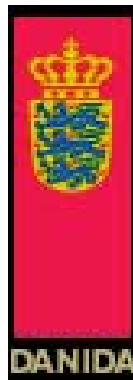
Centre for Policy Studies
6 Sturdee Avenue
Rosebank
Johannesburg, South Africa
Email: portia@cps.org.za

P O Box 1933
Parklands
Johannesburg, 2121

Tel (011) 442-2666
Fax (011) 442-2677

www.cps.org.za

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INTRODUCTION

The post-millennium African regionalism¹ began to show signs of a turnaround in direction with the emergence of a new democratic leadership in many African nations, creating the opening for greater participation by civil society in African regional governance. This Policy Brief examines challenges in building regional democratic institutions in Africa; a tension exists between reform and continuity. The paper looks at current efforts to build regional governance institutions in Africa, through post-1990 treaties. For instance, the 1991 Treaty of Abuja (Article 91) and the Constitutive Act of the African Union (AU)(Articles 17, 22) provide for greater participation of African civil society and the grassroots in the affairs of AU organs like the Pan African Parliament (PAP) and the Economic, Social and Cultural Council (ECOSOCC). The paper reflects on whether these treaties represent a break with the past as well as addressing past failures, including efforts towards nurturing institutions underpinning regional integration. To interrogate this question further, the paper will discuss the challenges facing regional governance and institution-building in Africa, specifically by invoking past experiments in regional integration and the attendant threats to the growth of these nascent regional institutions.

This Policy Brief examines challenges in building regional democratic institutions in Africa; a tension exists between reform and continuity.

POST-1990 REGIONAL INTEGRATION TREATIES

Institutions are important factors in the development and progress of African regional economic communities. This is premised on the view of the AU Assembly that seeks "...to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively".² While some scholars view past treaties and protocols as mere grand plans with weak political commitment to, or enthusiasm about, a common goal,³ other scholars see the 1990s as reflecting a shift from political grandstanding toward more realistic and practical efforts aimed at regional integration⁴. The subsection below examines regional integration developments in Africa since the 1990s and the treaties that introduced key institutions in the continent.

¹ Regionalism in this paper refers to the process of all continental transactions and activities (regional co-operation, economic integration etc) between nations. It is seen as distinct from sub-regional activities between groups of countries within the African regional space; this is sub-continental and these sub-regional groupings are referred to in this paper as the Regional Economic Communities (RECs) eg The Economic community of West African States (ECOWAS) and the southern African Development Community (SADC).

² Organisation of African Unity 2000. *The Constitutive Act of the African Union*, adopted in Togo on 11 July, 2000. African Union, Addis Ababa Ethiopia.

³ Onwuka, R.I. 1985. *An African Common Market or African Free Trade Area; Which way Africa?* R.I. Onwuka & A. Sesay (eds). *The future of Regionalism in Africa*. St Martins Press, New York.

⁴ Asante, S.K.B. 2001. *Towards an African Economic Community*, in S.K.B. Asante & F.O.C. Nwonwu. *Towards an African Economic Community*. Africa Institute of South Africa (AISA), Pretoria, p5; Mistry, P.S. 2000, 'Africa's record of regional co-operation and integration', *African Affairs*, 99(397), October: pp 553-573.

The Abuja Treaty and the African Union Constitutive Act

From the 1960s to the 1980s, issues of good governance and reform did not dominate the agenda of the regional organisation, the Organisation of African Unity (OAU). During this time the plausibility of the emergence of supranational institutions in Africa was minimal. This was largely due to the fact that the goal of Africa as a collective was centred predominantly on ending colonialism and apartheid⁵. Additionally, the need to gain and protect national independence and sovereignty, which served at the time as the *raison d'être* for the OAU, resulted in the adoption of the principle of non-interference in political relations between African nations.⁶ This stifled opportunities for the emergence of regional institutions with influence transcending the concerns and spans of authority held by member states. The overall effect was the sidelining of internal issues of human rights, civil liberties, democracy, accountability, and transparency in many African states.

International pressure for governance reforms added impetus to the overhaul of the continental regional integration and regional economic efforts.

However, between 1990 and 2000, African regionalism experienced two critical developments. Firstly, the need for economic and structural reform in the OAU received attention with the Abuja Treaty. International pressure for governance reforms added impetus to the overhaul of the continental regional integration and regional economic efforts. Popularly known as the Abuja Treaty, the Treaty establishing the African Economic Community marked the beginning of what some scholars see as a significant but complex road towards full economic integration for Africa⁷. The Abuja Treaty presents a comprehensive 34-year strategic plan towards an African Economic Community⁸. The Treaty included in the sixth stage of its strategic plan "...the setting up of the structure of the Pan-African Parliament and election of its members by continental universal suffrage". Another important element of the treaty was the provision to strengthen the Regional Economic Communities (RECs). Thus as the building blocks of the African Economic Community (AEC)⁹, the RECs play a role as central agencies for reaching the goal. This formal recognition given to the role of the RECs in the continent in terms of the Abuja Treaty and subsequently by the AU aimed to strengthen co-operation between the RECs and the African Union (AU). This is far removed from the OAU's more detached stance of the

⁵ Nkrumah, K. 1965. *Neo-colonialism: the last stage of imperialism*. Thomas Nelson, London; p 11.

Mazrui, A.A. & Tidy, M. 1984. *Nationalism and new states in Africa from about 1935 to the present*. Heinemann, Nairobi, p 344

⁶ Organisation of African Unity, 1963, *OAU Charter* 25th May, 1963, African Union, Addis Ababa, Ethiopia viewed 2nd September 2008, <http://www.africa-union.org> ; Mathoma, P, Mills, G, Stremiau, J (eds) (2000). *Putting people first: African priorities for the UN millennium assembly*. South African Institute of International Affairs, South Africa. p. 3.

⁷ Asante, S.K.B. 2001. *Towards an African Economic Community*, in S.K.B. Asante & F.O.C. Nwonwu. *Towards an African Economic Community*. Africa Institute of South Africa (AISA), Pretoria. Kennes, W 1999. *African regional economic integration and the European union* in D. C. Bach (ed) *Regionalisation in Africa: Integration and Disintegration* J. Curry, Oxford U.K. ; Indiana University Press, Bloomington.p. 27.

⁸ Organization of African Unity, 1991, *Treaty establishing the African Economic Community*. OAU, African Union, Addis Ababa, Ethiopia, viewed 2nd September 2008, http://www.africa-union.org/root/au/Documents/Treaties/Text/AEC_Treaty_1991.pdf

⁹ Organization of African Unity, 1991, *ibid* p 58.

1960s where engagement with RECs, such as the South African Customs Union, was minimal¹⁰. The Abuja Treaty thus positioned the PAP and RECs as integral institutions in the journey towards an AEC.

Secondly, going into the 21st century the OAU was becoming more vocal about issues of good governance. This is evidenced in the 1996 Yaoundé and 1999 Algiers summit declarations of the African heads of state on the need for reform within the Union, in light of the approaching millennium¹¹. It was also clear that the institutional and governance framework defined by the Abuja Treaty was proving difficult to implement due largely to capacity constraints and the lack of political will of many member states who in the 1990s were dealing with numerous national crises. However, at the dawn of the new millennium, increasing demands for good governance signified an opportunity for this reform. This resulted in the 1999 Sirte Declaration¹² which initiated the establishment of the AU. The resultant AU Constitutive Act created the opportunity for civil participation, responsive agency and accountability in the AU through its organs such as the PAP.

However, despite these new developments, there are still old concerns... based on the past experience of African regional integration efforts

If the Abuja Treaty laid the foundation for structural reform in African integration, the AU Constitutive Act provided the necessary tools to begin its implementation. The significant point of departure in the Abuja Treaty and the AU Constitutive Act is that, while incorporating the economic and development objectives of the Lagos Plan of Action¹³, these treaties also detail the institutional, democratic and governance framework to support the process of integration in relevant protocols such as the Protocol establishing the PAP, the Court of Justice, the Economic and Social Council, and the protocol spelling out the relationship between the RECs and the AEC. However, despite these new developments, there are still old concerns. These concerns are based on past the experience of African regional integration efforts, which could ultimately thwart the AU plans to strengthen and build its key institutions.

¹⁰ Thompson, S. W & Bissell, R E 1973. Development of the African subsystem: Legitimacy & authority in the OAU. *Polity*, Vol. 5, No. 3. (Spring,), pp. 335-361.

¹¹ Organisation of African Unity, 1996. Yaoundé declaration (Africa: preparing for the 21st century) *declarations, resolutions and decisions adopted by the 32nd ordinary session of the Assembly of Heads of State and Government*. African Union, Addis Ababa, Ethiopia, viewed 1st September, 2008 <http://www.africa-union.org/root/au/Documents/Decisions/hog/6HoGAssembly1996.pdf>; p 16; Organisation of African Unity, 1999a, 'Algiers declaration', *Declarations and decisions adopted by the thirty fifth assembly of Heads of State and Government Heads of Government Decision* African Union, Addis Ababa, Ethiopia, viewed 1st September 2008, <http://www.africa-union.org/root/au/Documents/Decisions/decisions.htm>. p, 5

¹² Organisation of African Unity, 1999b, Sirte declaration, *fourth extra-ordinary session of the Assembly of Heads of State and Government*, African Union, Addis Ababa, Ethiopia viewed 1st September 2008, http://www.africaunion.org/Docs_AUGovernment/decisions/Sirte_Declaration_1999.pdf

¹³ The Lagos Plan of Action was OAU's economic plan for the 1980s which outlined economic self-sustenance and self-reliant goals, and proposed the establishment of an AEC and other developments in African regionalism which the subsequent Abuja Treaty built upon.

PAP and AU Institution Building

The Abuja Treaty and the AU Constitutive Act changed the form of African integration in providing for potentially supranational institutions like the PAP. Although there was little political commitment to the provisions of the Abuja Treaty in 1991, it must be acknowledged that the Constitutive Act, in engaging again the possibility of a voluntary delegation of decision-making powers to regional institutions like the PAP and the AU Commission, and the follow-up decisions to review the status of these institutions¹⁴, represent a milestone in African integration efforts. Nonetheless, there are signs that African leaders still prefer a strictly intergovernmental approach in regional decision-making and thus may view supranational leaning institutions as a departure from a familiar and predictable path. Consider the definitive clause in Article 2 (3) of the PAP protocol, which states that:

There are signs that African leaders still prefer a strictly intergovernmental approach in regional decision-making.

“The ultimate aim of the Pan African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage. However, until such a time as the Member states decide otherwise by an amendment of this Protocol, the Pan African Parliament shall have consultative and advisory powers only and the members of the Pan African Parliament shall be appointed as provided for in Article 4 of this Protocol.”¹⁵

Evidently, the AU Constitutive Act reflects a commitment to delegating decision-making powers to the PAP. However, the subsequent establishment of the PAP in 2001 introduced a clause which will restrict its powers for as long as African heads of state deem this to be necessary. So, Article 2 (3) effectively restrains the PAP from acquiring greater legislative, budgetary and supervisory powers, thereby removing any immediate threat to the principle of state autonomy that many African Heads of State clearly continue to value above the principle of continental political integration. Although the AU Assembly recently decided to initiate the review process of the PAP protocol, the extent of this review remains unclear.¹⁶ It is argued that the final outcomes of the process may indicate how open African Heads of States as institutional designers are to the concept of supranational regional institutions, which at certain times, may undermine state sovereignty. This is however, not the purpose of this paper.

¹⁴ African Union, 2009. Decision on the Special Session of the Assembly on the Union Government; Assembly/AU/Dec.233(XII) ' and Decision on the review of the protocol relating to the Pan African Parliament (PAP) Assembly/AU/Dec 223 (XII) *Decisions, declarations, message of congratulations and motion*. Assembly of the African Union , 12th Ordinary Session 1-3 February Addis Ababa Ethiopia.

The 2009 AU Summit decided to transform the AU Commission into the AU Authority, with a president, and vice- President. This has implications for the functions, powers and size of the Commission.

¹⁵ African Union, 2001. *Protocol to the treaty establishing the African Economic Community Relating to the Pan African Parliament*. African Union, Addis Ababa, Ethiopia, viewed 7th September 2008, <http://www.africanunion.org/root/au/Documents/Treaties/Text/Protocol-panafrican-parliament.pdf>

¹⁶ This is a recent decision taken by the AU Assembly in January 2009. Decision on the review of the protocol relating to the Pan African Parliament' (PAP) Assembly/AU/Dec 223 (XII) *Decisions, declarations, message of congratulations and motion*. Assembly of the African Union , 12th Ordinary Session 1-3 February Addis Ababa Ethiopia

CHALLENGES TO POST-1990 INSTITUTION BUILDING

This section will discuss the challenges to institution building in the post-1990 era by the AU from a broader integration perspective, looking at systemic issues and challenges for the broader goal of African integration. The second perspective will focus on processes and activities relating to institution building; this section elaborates on some characteristics of the grand African regionalism experience, as well as the challenges affecting institution building and which might hamper progress in the growth of AU institutions, particularly the PAP.

While there are legitimate concerns on issue the sovereignty, the need to empower institutions is also vital for integration in Africa.

The Challenges facing integration

This subsection reveals the paradoxes which seem to characterise the African regionalism experience so far. In particular, it will discuss problems arising out of the sovereignty/supranational dynamic, the issue of dependence versus national self-reliance, and the sub-regionalism versus regionalism dynamic. The issue of sharing the transaction costs and the benefits of integration among AU member states is also a major problem that will be discussed briefly.

The issue of state sovereignty

Sovereignty and nationality concerns drive African member states to become reluctant actors in their approach to integration because of unintended consequences which could undermine the sovereignty of their states. One of these consequences is the supranational potential of institutions which emerge out of the African political integration process. This concern thus drives regional actors towards centralisation of decision making at the intergovernmental bargaining level. Article two of the OAU charter spells out co-operation and co-ordination as the core integrative route for Africa¹⁷. Article three (section 1-3) of this charter emphasises the respect for territorial integrity and sovereignty. As highlighted by Mistry¹⁸, the African journey towards regional integration has been influenced and dominated by two conflicting predispositions, namely the tendency to adhere to political separation based on historical/colonial borders, while at the same time seeking to move towards greater political unity to overcome these colonially derived territorial divisions. The antithesis of sovereignty/co-operation is reflected in Haas' argument that although African regionalism may be propelled by unobtrusive and functional objectives, it has not followed Europe's pattern of spill over¹⁹.

¹⁷ Organisation of African Unity, 1963a, op cit.

¹⁸ Mistry, P.S. 2000, op cit p 553.

¹⁹ Haas, E. B. 1970, The study of regional integration: reflections on the joy and anguish of pretheorising, *International Organisation*, Vol 24 No. 4 (Autumn 1970), pp 607-646.

Spill over (or the expansion of tasks) as proposed by Haas produces a conscious ingenious intervention of regional administrative and political elites to make power more centralised in institutions possessing "jurisdiction over the pre-existing national states".

The inescapability of globalisation and its dictates should not be used as an excuse for the slow pace of regional integration

While there are legitimate concerns on issue the sovereignty, the need to empower institutions is also vital for integration in Africa. The European Union (EU) as a complex cluster of institutions began as a result of an ambitious idea which held serious implications for the principle of national sovereignty. Although the concern about sovereignty plays a role in regional integration decision making in the EU,²⁰ these attitudes are changing gradually, particularly as the empowering of EU institutions has intensified the abnegation of the principle of national sovereignty. Nonetheless, intergovernmentalists prefer to see the process of EU integration as entailing nations 'delegating' sovereignty to a supranational body in order to achieve the benefits of effectiveness and efficiency.²¹ The reluctance of African leaders to delegate sovereignty in any form is driven chiefly by the need to protect state control at the national level. However this threatens the strengthening of the AU as a nascent democratic regional institution.

Problem in finding balance between regional self reliance and globalisation

With the dawn of independence across Africa came the challenge of sustaining the principle of independence within the broader global environment dominated by economically and militarily strong nations.²² Early radical views of integration in Africa made the case that the nature of Africa's incorporation into the global capitalist system was largely a dependent one and thus detrimental to continental integration²³. Radical thinking by some scholars during this period was that the only way Africa could achieve integration was by disentangling itself from pre-independence geopolitical ties or colonially derived economic links.²⁴ Presently, Africa's position in the global political economy and within the context of a globalising world economy exhibits lopsided aid and trade relationships. In this case, African countries are still largely dependent on economic and development ties with developed industrial countries for survival. Nevertheless, there seems to be no convincing empirical basis on which to base the argument that globalisation is detrimental to or incompatible with regional

²⁰ For instance, the gradual progression towards integration that started from the 1950s in Europe had been resisted at different levels by different countries for different reasons. As an example, France, even as one of the founding members of the European Economic Community (EEC) and the European Coal and Steel Community (ECSC), took particular exception to the supranational decision-making powers of the community, which undermined national sovereignty. See Nugent, N. 1999. *The government and politics of the European Union*. (fourth edition). Duke University Press, Durham.

²¹ Puchala, D.J. 1999. Institutionalism, intergovernmentalism and European integration: a review article, *Journal of Common Market Studies*, 37(2):317-31; Moravcsik, A. 1993. Preferences and power in the European Community: a liberal intergovernmentalist approach, *Journal of Common Markets*, 31(4):473-524.

²² Vil-Nkomo, S 2002, 'Leadership for development in a globalised environment, *Journal of Public Administration*, vol 37, no. 3.1 pp 292-305.

²³ Mazzeo, D. 1984. The regional trend in D. Mazzeo (ed). *African Regional Organisations*. University of Cambridge, Cambridge, New York, Melbourne. p 8; Shaw, T. M. 1985. Towards a political economy of regionalism in Africa in R. I. Onwuka and A. Sesay (eds) *The future of Regionalism in Africa*. St. Martins press New York, p 11.

²⁴ Shaw, T.M. 1985. Ibid; Onwuka R.I. 1985. An African Common Market or African Free Trade Area; Which way Africa? R.I. Onwuka & A. Sesay (eds). *The future of Regionalism in Africa*. St Martins Press, New York, p 63.

self-reliance in Africa or intraregional trade relationships.²⁵ In other words the inescapability of globalisation and its dictates should not be used as an excuse for the slow pace of regional integration and hence poor economic development in Africa.

Proliferation of weak sub-regional economic experiments

The United Nations Economic Commission for Africa (UNECA) reports that 46 of the 53 countries in sub-Saharan Africa belong to two or more RECs.²⁶ An example is the competition and conflict of interest in the Anglo/Franco West African experience, where Francophone West Africa, while forging regional alliances with each other in the Union Economique et Monétaire Ouest Africaine (UEMOA)²⁷, maintains membership in the Economic Community of West African States (ECOWAS). These RECs are driven by weak national economies and characterised by poor organisational learning, lack of resources (human, technical and financial) and weak, politically marginalised secretariats.²⁸ These institutional challenges have largely crippled the pace of regional integration in Africa, particularly when compared to the growth of other regional experiments globally. These difficulties also complicate progress in terms of developments in the AU as a whole, presenting challenges in terms of duplicity of mandates, poor co-ordination and lack of cohesion in regional policy goals, and paralysis in decision making. Consequently, one of the challenges in African integration is to understand why there is a proliferation of multilateral regional institutions, given the perennial problems of resources and political interference which have plagued these institutions.

Shouldering the costs and benefits of regional integration

Perhaps one of the underlying causes of this proliferation in sub-regional groupings lies in concerns over unequal transaction benefits and payoffs in regional integration agreements. For members of regional groupings, payoffs or benefits are important, especially where there are different sized regional players. Consequently, African regionalism efforts tend more towards sub continental regionalism,²⁹ where smaller states band together and establish common markets for greater bargaining power. Examples are initial failures like the Mano River Union of Sierra Leone, Liberia, Guinea and the East African

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²⁵ Kim Sangmoon and Shin Eui-hang, 2002. A longitudinal analysis of globalisation and regionalisation in international trade: a social network approach in *Social Forces*, Dec; 81; 2, pp445-468.

²⁶ United Nations Economic Commission for Africa. 2004. Accelerating Africa's integration in *Assessing Regional Integration in Africa (ARIA series)* Policy Research report UNECA, Addis Ababa Ethiopia, **viewed 8 September 2008** www.uneca.org/aria.

²⁷ Franke, B. F. 2007. Competing regionalism in Africa and the continent's emerging security architecture, *African Studies Quarterly (the on-line journal for African studies)* Vol 9, Issue 3 Spring 2007. viewed 20th August 2008 <http://www.africa.ufl.edu/asq/v9/v9i3a2.htm>.

²⁸ Gottschalk, K. & Schmidt, S. 2004. The African Union and the New Partnership for Africa's Development: strong institutions for weak states? *Internationale Politik und Gesellschaft (IPG)*, 4:pp138-158.

²⁹ Shaw, 1985. op cit p 11; Mazzeo 1984 op cit p 6

Community (EAC) of Tanzania, Kenya and Uganda, both of which have subsequently been revived. Indeed UNECA cautions that for integration attempts to succeed in Africa, the benefits and costs of integration must be equitably distributed among the members.³⁰ Perhaps this explains why, in order to mitigate the loss of revenue from trade liberalisation, ECOWAS instituted the Fund for Co-operation, Compensation and Development of the Community, as well as the community levy, to compensate member states for the loss of customs revenue from countries implementing preferential intra-community imports.³¹ In applying these compensatory mechanisms, an important consideration by ECOWAS heads of state was to share equally one fifth of the losses suffered by four of the more developed countries of Ivory Coast, Ghana, Nigeria and Senegal across all the members.³² This means that rather than being paid full compensation, these four countries agreed to forfeit one fifth of their losses. These funds are in turn made available to the least developed member states. Finally, uncertainty in the sharing of benefits breeds lack of commitment to the provisions in transactional agreements and thus some members will either be slow in signing and ratifying agreements or look to other favourable transaction alternatives.

At present there seems to be no clear organisational structure that maps out the formal relationships, duties and functions, and the allocation of responsibilities, in the AU system

Institutional Challenges

This section identifies and briefly discusses the challenges relating to the institution building in the AU, with a special focus on impediments facing the operation of the PAP.

Organising and reporting relationships

Due to the complexity and dynamism of the AU system, combined with its institutions and building-block integration strategy, the problem of co-ordination of activities and programmes has become intractable. Apart from inter-institutional relationships within the AU, there are also extra-institutional relationships between the AU organs and other regional and national institutions, like between the PAP and other African Parliamentary institutions. At present there seems to be no clear organisational structure that maps out the formal relationships, duties and functions, and the allocation of responsibilities, in the AU system. This lack of clarity in terms of the organisational structure, relationships and duties and functions presents important issues of concern. For

³⁰ UNECA op cit p. 33

³¹ ECOWAS 2002. *Protocol relation to the application of compensation procedures for loss of revenue incurred by ECOWAS member states as a result of the trade liberalization scheme*. ECOWAS Executive Secretariat Abuja, April 2002 viewed 10 December 2008.

<http://www.comm.ecowas.int/sec/index.php?id=protocole&lang=en>

³² ECOWAS 1980. *Decision A/Dec.19/5/80 of the Authority of heads of State and Government of the Economic Community of West African States relating to the application of the Compensation procedures for the loss of revenue suffered by ECOWAS member states as a result of te trade liberalization programme* ECOWAS Executive Secretariat Abuja, April 2002 viewed 10 December 2008 <http://www.comm.ecowas.int/sec/index.php?id=adec190580&lang=en>

instance, there seems to be differing views among scholars on the³³ relationships between institutions within the AU system. Some scholars assume a close institutional relationship between the PAP and the AU decision-making and executive organs. However, in practice the PAP is not very close and influential in terms of AU decision-making processes as it does not have much influence in the key AU institutional ensemble made up of the Assembly, Executive Council, Permanent Representative Committee and African Union Commission. The measure of the PAP's level of influence in the AU system is illustrated by the fact that, it has to go through the PRC or the AUC in relations with the Executive Council. This has resulted in the recommendations of the PAP being routinely ignored by the Executive Council, thus undermining its ability to exercise its advisory and consultative powers effectively.

Capacity constraints

Literature on regional integration indicates clearly that technocrats and experts play a crucial role in driving regional integration.³⁴ For instance, Schmitter identifies the "creative talents of political elites especially the administrators of regional institutions who take advantage of frustrations and crises to redefine or expand tasks at the centre."³⁵ The PAP organisational system, as represented in the PAP's own internal organogram, makes provision for a functioning organisational system which should avail to PAP the knowledge and skills of experts as parliamentary supervisors. However, in practice, there are difficulties in implementation; for instance, the problem of weak capacity and administrative services persists, compounded by severe delays in institution building. The PAP's strategic plan also identifies a number of problems, such as financial constraints, unclear legal mandate, and limited access to information.³⁶ Added to this is the problem of insufficient administrative support for the PAP committee system which serves as the core of the institution's decision-making system.

Unclear mandate

One of the core functions of a legislative institution is to pass legislation.³⁷ However, at the regional level, in particular at the AU and RECs levels, this legislative role has never been fully articulated and developed. For instance,

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³³ To check out the three interpretations of the AU organisational framework, see: Institute for Security Studies 2005 *African Union Profile* Institute for Strategic Studies, p 5.

http://www.issafrica.org/AF/RegOrg/unity_to_union/pdfs/oau/OAUProfile.pdf; Heyns C and Killander, M(eds) 2007 *Compendium of key human rights documents of the African Union*, Pretoria University Law Press p 144.

³⁴ Haas, E.B. 1961. International integration: the European and the universal process, *International Organisation*, 15(3), Summer 1961, pp 366-392; Schmitter, P.C. 1969. Three neo functional hypotheses about international integration. *International Organisation*, 23(1) Winter, 1969:161-166.

³⁵ Schmitter, *ibid* p. 162.

³⁶ Pan African Parliament op cit p. 28.

³⁷ Cloete, J.J.N. 1998. *South African Public Administration and Management*. 9th revised edition, J.L. van Schaik Academic, Pretoria, South Africa p 42.

since inauguration, the PAP has made efforts towards defining and developing its mandate by undertaking parliamentary tasks such as organising debates on a range of issues affecting the AU like The New Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism (APRM) and migration³⁸. The PAP has also adopted independent positions in certain issues, especially as they relate to governance and human rights issues, as it did in its 2006 resolution on the unconditional release of Dr. Kizza Besigye, an opposition leader in Uganda.³⁹ Additionally, the PAP has issued many recommendations and resolutions on a range of issues to the AU. However, there is little evidence to suggest that the Executive Council or the Assembly has referenced or taken these recommendations or resolutions into consideration during decision-making processes. Also, the PAP seems to lack effective systems for obtaining and utilising information from other AU institutions. The overall effect of these problems is that the PAP lacks an effective voice in AU decision-making processes.

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Procedural challenges

There are internal procedural bottlenecks which have the potential to limit outcomes in committee decisions. Decision making within the AU has over the years been by majority vote and in recent years through consensus building and majority vote (OAU 2000:7). Decision making in the PAP is also by consensus or a two-thirds majority as the provision of rule 22 (8) requires. The down side of this type of decision making is that consensus building is sometimes a lengthy and negotiated process, thus, complex decisions which have great potential for change may be abandoned. Secondly, consensus building takes time and thus in this form, decision making may be time-consuming. Furthermore, the quorum requirement of an absolute majority for voting in rule 22(7) may also pose a challenge due to absenteeism and high turnover of MPs, due to internal member state affairs. Finally, the AU recently ordered that PAP's rules of procedure be amended to the African Union's legal instruments. The Pan African Parliament should use this opportunity to increase its voice in the AU system and create a platform for its recommendations to have more impact in executive decisions.

³⁸ Pan African Parliament, 2005b : *Draft agenda for the fourth ordinary session: 21st November-2nd December 2005*, Documentation Department, Pan-African Parliament Midrand South Africa; Pan African Parliament, 2005c: *Draft programme and agenda (as at 03.05.2006)*, *Fifth Ordinary Session of the PAP; 2-12 May 2006*, Documentation Department, Pan-African Parliament Midrand South Africa.

³⁹ PAP 2006b. *Recommendations adopted during the 6th ordinary session : Midrand Johannesburg 23 November 2006*. viewed 7th November 2008, <http://www.pan-african-parliament.org>. Pan African Parliament Midrand, South Africa,

CONCLUSION

This paper examined AU's efforts and challenges towards establishing and strengthening its institutions, with particular emphasis on the PAP. The article reflected on the historical contextual and institutional impediments within which this institution-building process occurs. A number of conclusions can be drawn from this. Firstly, it can be concluded that the principle of national sovereignty continues to shape the approaches of African leaders towards political integration. The shared collective experience of the OAU over the years has spurn a value system entrenched in the legacy of centralised power and rivalry between the OAU and institutions that show supranational promise. Therefore, notwithstanding the governance principles that the PAP represents, the highly statist and centralised culture of African institutional integrative experience has the potential to threaten its very existence. Secondly, the problems facing the process of political integration in Africa will be compounded by the problematic institutional development of the PAP as part of the AU system. Thirdly, various types of institutional, structural and substantive challenges remain to be overcome in the PAP's attempts to consolidate itself as a supranational parliamentary body that has a key role to play in advancing the goals of integration in Africa.