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Panel 25: Regionalisation in Africa: Old Gamble or New Reality?

'New growth on deep roots' – Pan-African precedents for the African Union

Kathryn Sturman, Phd Candidate

Department of Politics and International Relations

Macquarie University, Australia

Email: Kathryn.sturman@students.mq.edu.au

Comments and suggestions are welcome

1. Introduction

> What we want… is unity of action together with the greatest possible degree of local self-expression on things which affect only that locality. This will be in accordance with the oldest traditions of Africa, it will be a new growth on the deep roots of our life (Julius K. Nyerere, 'A United States of Africa' in *Journal of Modern African Studies*, 1(1), 1963).

Unity is the aspiration on which the OAU was founded, a principle for greater development and security of the continent, based on claims of a Pan-African identity and destiny. The institutional form of unity has been reopened for debate, at the 9th AU Summit in July 2007. The venue and timing of this discussion – in Accra in the fiftieth year of Ghana's independence – resonates with Kwame Nkrumah's vision of a United States of Africa.

Yet the OAU Summit first held in Accra, in 1965, was a disappointment to Nkrumah. His proposal for the federation of African states was rejected, and the non-interference norm was strongly asserted by the majority of states that had so recently won their national independence. Since then, both the global context and African norms of sovereignty have shifted. There is a growing African regime of human and peoples' rights and provision for regional intervention in intra-state conflicts and civil wars. Acceptance of these principles is uneven among member states of the AU, as is usually the case within multilateral institutions[i] .

A serious discussion of these changing norms of sovereignty and intervention would benefit all member states in reaching a common understanding of the reformed aspects of the African Union. The more specific proposals for a 'Union Government' leading 'towards the United States of Africa' are likely to be more controversial. The details and political context of these ideas are considered here, with the aim of informing the wider debate on sovereignty, regionalization and unity in Africa.

2. Theories of change from OAU to AU

Two distinct approaches to the African Union appear in the journal articles of Thomas Tieku and Paul Williams, published in *African Affairs* in 2004 and 2007 respectively[ii]. It will be shown that while each explanation for change within the AU is limited by its theoretical paradigm, they highlight different, but equally important factors for consideration.

Tieku's account tends to reduce the complex intersubjective process of change within the organisation to a coincidence of 'interests and ideas' of three powerful member states: South Africa, Nigeria, and to a lesser extent, Libya. Williams paints a more nuanced picture of an organisation in flux, going through a period of 'normative turbulence'. While Tieku credits the role of hegemonic states with too much influence over the transformation of the OAU into the AU, Williams places too much store on external pressure and transnational norm entrepreneurs in his explanation of norm diffusion in the AU. In broad terms, Tieku and Williams may be identified as taking realist versus constructivist approaches to the transformation of the OAU into the AU. These differences are flagged by Tieku's emphasis on the national interests of powerful states, on the one hand, and Williams' focus on the diffusion of transnational norms, on the other.

Amitav Acharya is critical of previous scholarship on normative change, identified as 'moral cosmopolitanism'. This school pits 'cosmopolitan' or 'universal' norms, such as the promotion of human rights or intervention to prevent genocide, against local, parochial norms. The process of changing local norms becomes one of '*teaching* by transnational agents, thereby downplaying the agency role of local actors' [Acharya, 2004: p.242]. More subtle theories posit that international norms can be 'framed' in local cultural terms, or 'grafted' onto existing ideas. But this still implies a process that is largely performed by 'outsiders', involving

'reinterpretation or representation' of foreign norms, rather than their fundamental 'reconstruction' [Acharya, 2004, p.244].

'Localization' of norms involves a more radical change, 'to make an outside norm congruent with a preexisting local normative order… a process in which the role of local actors is more crucial than that of outside actors' [Acharya, 2004: p.244]. Acharya notes that, '…constructivist scholarship on norm diffusion often privileges "transnational moral entrepreneurs"'. The localization perspective calls for a shift in the understanding of norm entrepreneurship from 'outsider proponents' committed to a transnational or universal moral agenda to 'insider proponents'. He stresses that:

> What is important here is not how the prescriptive ideas backed by outside advocates converted the norm-takers, but how the cognitive priors of the norm-takers influenced the reshaping and reception of foreign norms. This was not a static fit, but a dynamic act of congruence-building through framing, grafting, localization and legitimation in which the local actors themselves played the central role [p.269].

The success or failure of a universal norm to gain currency within a regional organisation depends on a set of conditions: (1) "local initiative"/ availability of local/insider proponents (and not just global or outside norm entrepreneurs); and (2) existence of a prior receptive norm onto which the new norms can be 'grafted' [Acharya, 2005: p.18].

It is submitted that Acharya's two conditions for norm localization could be considered present in the case of the AU's localization of transnational norms of humanitarian intervention and human rights/ democracy promotion.

3. Forms of regional integration: from intergovernmental to supranational

Regional organisations differ in the degree of autonomy they have as actors or agents in international relations, independently of their member states. The extent to which the organisation has a *supranational* identity, institutions and powers will determine how far it operates as an entity that is more than the sum of its parts.

Regional organisations are more or less integrated and autonomous of their member states, depending on the degree of cohesion and extent to which the member states are prepared to surrender elements of their sovereignty to an overarching regime. So, for example, the European Union (EU) is commonly held to be the regional organisation with the most extensive, autonomous institutions and the strongest supranational identity. The Southern African Development Community (SADC) and the Association of Southeast Asian Nations (ASEAN) are good examples where the secretariat has been purposefully limited to a weak, administrative function and the sovereignty of member states is sacrosanct.

If the difference between supranational body and inter-governmental organisation is conceptualized as a continuum between two extremes, the AU may be placed somewhere in the middle, with a history closer to ASEAN and designs to be more like the EU. It is assumed that the more power and resources member states grant their organisation, the weaker their state sovereignty becomes in relation to the overarching regime. The strengthening of a regional organisation's legal and institutional powers is therefore an indication of a shift away from norms of sovereignty and non-intervention among member states.

The EU works around this sensitive issue with a concept of 'sovereignty pooling' on issues falling with the 'community domain'. According to the European Commission, it is:

> …not a federation like the United States of America. Nor is it simply an organisation for co-operation between governments, like the United Nations… Member states remain independent sovereign nations but they pool their sovereignty… [and] delegate some of their decision-making powers to shared institutions. (European Commission, 2003: 4)

However, the ambivalence within Europe between national and regional identities is well known, and manifested in the referenda on the EU Constitution, the development of a common foreign policy and other areas.

Off the scale of regional integration, the supranational structure ceases to be a regional organisation at all. Full political integration implies the establishment of sovereignty as a larger state, which is either unitary or a federation of the original constituent states. For example, the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) came to be recognized in the international system as sovereign states with a central government and single foreign policy.

The debate about a United States of Africa hinges upon whether it is conceived as a sovereign state replacing the existing state system in Africa, or a supranational organisation along the lines of the EU. Situating the concept in historical context will offer a better understanding of the issues at stake.

4. Sovereignty and non-intervention norms in Africa

Sovereignty, defined as the 'competence, independence and legal equality of states', is the constitutive norm of the international system (International Commission on Intervention and State Sovereignty, 2001: 6). Non-intervention is

a principle derived from sovereignty, in the words of Montague Bernard (1860): 'The doctrine of non-intervention is… a corollary from a cardinal and substantial principle of international law…' (quoted in Thomas, 1985: 13).

Mohammed Ayoob (1995) characterises post-colonial states as 'weak, vulnerable and insecure – with these traits being the function of both domestic and external factors' (pp 15-16). This external and internal insecurity stems from their late entry into the state system, and their precarious sovereignty based on colonial demarcations of their boundaries (*ibid.*). The shared colonial legacy is essentially what separates African and Asian conceptions of sovereignty and intervention from others in the international system. Christopher Clapham (1999) notes that, 'post-colonial states have, since their independence in the decades following WWII, emerged as the most strident defenders of Westphalian sovereignty in the international order' (Clapham in Jackson, 1999: 100).

This is a 'paradox': that the regions containing the weakest states in the international system are those with the most stable territorial boundaries. The new states of Africa and Asia that emerged during the Cold War expressed these ideas as the Bandung Principles of the Africa-Asia Conference, held in 1955. But, with the horrors of World War Two fresh in their memories, delegates to the conference were also aware of the dark side of nationalism. This is evident in the speech by Philippine representative, Carlos Romulo (1956):

> It strikes me that autocratic rule, control of the press, and the police state are exactly the worst features of some colonialist systems against which we have fought all of our lives and against which so many of us are still fighting. Is this really the model of freedom we seek? Obviously the ultimate greater freedom will lie in a greater coherence, a uniting of regional interests… We of Asia and Africa are emerging into this world as new nation-states in an epoch when nationalism, as such, can solve only the least of our problems and leaves us powerless to meet the more serious ones. We have to try to avoid repeating all of Europe's historic errors. We have to have the imagination and courage to put ourselves in

the forefront of the attempt to create a 20th century world based on the true interdependence of peoples… (Romulo, 1956: 24).

The uniting of regional interests was a cause championed with equal fervour by Pan-Africanists, like Kwame Nkrumah. These ideas are revisited below.

5. Pan-Africanism vs. African Nationalism in the OAU

Although the new institutions of the AU are a departure from the OAU's founding principle of non-intervention, it may be argued that the ideas behind this new path have evolved within the organization over several decades. There is a degree of continuity between the AU and its predecessor, which may be traced to the roots of Pan-Africanist thought.

Pan-Africanism is a philosophy that regards Africa as the spiritual home of a united African people, which emphasizes solidarity and 'brotherhood' between all people of African origin. It has disparate origins in the political thought of African Americans and West Indians, as well as the African elite educated in Europe in the 19th and early 20th Century (Legum, 1962; Geiss, 1974).

In the seminal book, *Africa Must Unite* (1963), Kwame Nkrumah traced his ideas to American writers, Henry Sylvester-Williams, William E. Du Bois and Marcus Garvey (pp 132-133). It was the Jamaican, Garvey, who first proposed a United States of Africa and inspired Ghana's leader during his education in the USA (Van Walraven, 1999: 89). The four Pan-African Congresses held in Paris, London and New York in the inter-war years set the stage for Nkrumah's participation in the Manchester Conference of 1945 (Nkrumah, 1963: 134). A seamless melding of Pan-Africanism and African nationalism is described at this meeting, as Nkrumah insists that 'the fundamental purpose [of both ideologies] was identical: national independence leading to African unity' (p.135).

However, the tensions inherent to this two-stage strategy against colonialism would soon become clear at the conferences held on African soil. Three factions emerged around conferences held in Brazzaville (December 1960), Casablanca (January 1961) and Monrovia (May 1961). Besides ideological and other differences, these groups disagreed on the institutional and legal form of African unity, with Nkrumah's 'radicals' seeking full federation at the one extreme, and at the other, the 'conservatives' explicitly rejecting a 'supra-national' structure[iii].

6. Nkrumah's vision:

Writing during the post-war rise of economic and military superpowers, the USA and USSR, Nkrumah looked to these models of unification, namely, the union of states under a single, federal government, with one president, a common currency, economic and foreign policy. Echoing Romulo's words to the Bandung Conference, Nkrumah (1963) wrote that:

> Europe, by way of contrast, must be a lesson to us all. Too busy hugging its exclusive nationalisms, it has descended, after centuries of wars… into a state of confusion, simply because it failed to build a sound basis of political association… It is… hoped that the European Community will perform this miracle. It has taken two world wars and the break-up of empires to press home the lesson, still only partly digested, that strength lies in unity (pp.216-217).

One may speculate whether Nkrumah had been alive to see the success of the European Union, he would have regarded the model of gradual regional integration of an African Union, rather than immediate federation of a United States of Africa, as having more potential to achieve Africa's economic and political goals.

It is often noted that Nkrumah was 'ahead of his time' (Wolfers, 1976; Van Walraven, 1999). In retrospect, the Pan-African ideals he espoused made

provision for a common approach to conflict resolution in Africa, long before the norm of humanitarian intervention had gained currency. The need for an African peacekeeping capacity was argued by Nkrumah in relation to the interference of Cold War powers and foreign business interests in the independence of Congo (the DRC today):

> If at that time, July 1960, the independent states of Africa had been united, or had at least a joint military high command and a common foreign policy, an African solution might have been found for the Congo; and the Congo might have been able to work out its own destiny, unhindered by any non-African interference (p.138).

The phrase 'African solution' is still applied today in the AU's quest to resolve conflict in the resource-rich Great Lakes region.

The fluidity of the state system in the 1950s lent itself to visionary thinking about the type of sovereignty Africans wished to establish in the international system. But Nkrumah's vision was subsumed by the nationalist norms of sovereignty and non-intervention that prevailed once the vested interests of national elites had taken hold of the new states.

7. The Compromise of the OAU:

Despite broad rhetorical support for unity, Pan-Africanism was not the dominant discourse at the formation of the OAU. It was a minority view, put forward by Nkrumah, which had the effect of isolating him and curbing his influence within the organisation that was so central to his vision. Van Walraven's analysis of the ideological underpinnings of the OAU leads him to this conclusion: that nationalism was the more effective ideology for mobilising mass support for the elite project of decolonisation, and the most practical approach to gaining independence from the colonial powers (Van Walraven, 1999: 92). He writes that:

> …during the 1950s the nationalist struggle achieved such momentum that Pan-Africanism and nationalism evolved into opposing forces, with nationialism gaining the upper hand… colonial powers did not accept any structure other than the individual territory as basis for the devolution of political power… [while] Pan-Africanism was not the ideology of the African populace, for which it constituted a relatively incomprehensible abstraction (p.92)[iv]

The unity represented by the formation of the OAU in 1963 was far too fragile to support radical plans for political and economic integration. As the new Kenyan Minister of Commerce and Industry, J.G. Kiano commented at the time, 'It was obvious in Addis Ababa that many felt that this was not the time to establish a federal government for the entire continent' (Kiano, 1963: 406). Objections to Ghana's support for neighbouring opposition groups remained divisive, as several francophone countries boycotted the 1965 OAU summit in Accra. In response, the Assembly adopted a declaration condemning support for subversive activities[v].

While most African leaders balked at Nkrumah's tangible proposals for unification, some support for Pan-Africanism is evident in the documents of the founding summit of 1963. For example, Emperor Haile Selassie, in his opening speech, called on leaders, 'to rouse the slumbering giant of Africa, not to the nationalism of Europe in the nineteenth century, not to regional consciousness, but to the vision of a single African brotherhood…' (Selassie, 1963: 284).

Selassie foresaw a period of gradual integration towards the ideal of unity, with practical steps including establishment of an 'African defence system', since 'we cannot rely solely on international morality', and an African university at which, 'the supra-national aspects of African life would be emphasized and study would be directed towards the ultimate goal of complete African unity' (Selassie, 1963: 287-288).

Julius Nyerere, first president of Tanganyika (later Tanzania), was also a Pan-Africanist who supported the cause of a 'United States of Africa' (Nyerere 1963). In his paper of the same title, published in the first issue of the Journal of Modern African Studies (1963), Nyerere made a call for unity:

> Our goal must be a United States of Africa… As long as there remain separate African nations there will remain too a danger that other states will exploit our differences for their own purposes. Only with unity can we ensure that Africa really governs Africa (1963: 2-3).

Unlike Nkrumah, however, Nyerere was wary of the danger internal to Africa, of a hegemonic state using unification as a guise for regional domination:

> Historically, areas of the world have been united by two methods – by conquest or by negotiated terms of association. It is absurd to imagine African unity coming from the domination of one African country over another. Our unity can only be negotiated unity, for it is the unity of equals (pp. 1-2).

The method of unification was to be gradual and built on the foundations of national sovereignty. Nyerere articulated what were to become guiding norms of the OAU:

> There is only one way for us really to deal with this transitional problem [of factional divisions in Africa]. That is for us all to act now as if we already had unity. In any one country members of the government do not always like each other… But this is not allowed to become public… so it must be between African states now. And similarly, just as a Minister does not interfere with the political support of a colleague, African states must accept the decisions of the people in the different national units, as regard their own leaders. This is very important. It means that any differences we have must be sorted out privately between ourselves. It means that we must avoid judging each other's internal policies… (p. 5)

These words must have come back to haunt Nyerere in the 1970s, when the OAU took the principle of non-interference so far as to allow Uganda's military dictator, Idi Amin, to chair the organisation and host its summit in 1975. In practise, African Nationalism and Pan-Africanism proved more difficult to reconcile than they did in the idealistic rhetoric of the early 1960s. What Ali Mazrui (1993) calls 'the bondage of boundaries' served to protect authoritarian rulers at the expense of thousands of African people.

8. Flaws in the non-interference doctrine:

The mid-1970s was the high tide mark of non-interference norms in the OAU, symbolised by Idi Amin's chairmanship of the Kampala Summit in 1975. Reports of atrocities by certain leaders against their own citizens, including Amin in Uganda, President Bokassa in the Central African Republic and President Nguema of Equatorial Guinea creating unease, but was not mentioned publicly in the debates of the OAU at the time. The boycott of the Kampala Summit, by Tanzania, Botswana and Zambia spoke more of objections to the OAU's approach, than the formal records of the organisation.[vi]

In 1978, Nyerere took matters into his own hands, by retaliating against a Ugandan invasion of his territory by sending troops across the border and ousting Idi Amin. Tanzania justified its intervention on the grounds of self-defence. Caroline Thomas notes that, 'while the way was paved for a justification on humanitarian grounds, no such excuse was offered…The Tanzanian case is a special case; it does not indicate a new general rule of behaviour in international affairs' (Thomas, 1985: 120). In a more recent analysis of the unilateral intervention into Uganda, Nicolas Wheeler points out that violation of a norm such as non-intervention does not necessarily indicate that the norm no longer exists (Wheeler, 2000: 5). The response from peers would indicate whether the norm is still upheld, depending on the intensity of outcry against the violation.

The Tanzanian intervention in Uganda provoked an 'acrimonious debate' at the OAU Summit held in Monrovia in 1979 (Van Walraven, 1999: 328). There is no record of this exchange of views on the intervention in the OAU documents, however, as it was omitted in order to preserve the organisation's semblance of consensus (*ibid.*). Eden Kodjo, Secretary-General of the OAU in 1979 said, '…the OAU cannot under its Charter condemn a member state – all we can do is to act as a kind of referee' (*Financial Times*, 20 February 1979, quoted in Thomas, 1985: 120).

Although this crisis did not directly alter the non-intervention doctrine within the OAU, it did have an indirect effect. The Monrovia debate resulted in two significant challenges to the norm of non-intervention, according to Thomas: (1) 'the idea of establishing an African peacekeeping force gained credibility' and (2) 'a declaration of human rights was drafted' (Thomas, 1985: 112).

9. Evolving regional solutions:

In a resolution on the civil war in Chad, during the Freetown Summit of 1980, the Assembly declared that it was '…deeply concerned over… thousands of casualties both dead and injured'.[vii] Notably, unilateral intervention is condemned in this case, with a thinly veiled criticism of Libya's incursions, 'Considering that efforts… to end the hostilities… are being undermined by repeated acts of interference by African and foreign powers'. This objection was stated in stronger terms the following year, in Nairobi, where the Assembly, 'requests that all Member-States of the OAU… abstain from interfering in the internal affairs of the country'.[viii]

The Resolution called for a 'Pan-African Peacekeeping Force to Chad', suggesting that a multilateral African force should replace both illegitimate foreign

and unilateral African interference. Although unsuccessful, the OAU's involvement in Chad's civil war, and other conflicts thereafter, set in motion plans for regional peacekeeping and recognition of the need for humanitarian intervention in 'grave circumstances' of genocide, war crimes or crimes against humanity.[ix] In 1993, the OAU Summit in Cairo established a Mechanism for Conflict Prevention, Management and Resolution.[x] The mechanism had a Central Organ deciding on matters of continental security, which set the precedent for the Peace and Security Council, established in 2002.

After the African Charter on Human and Peoples' Rights (ACHPR) was adopted in 1981, the OAU's human rights regime slowly took shape. The Charter's enforcement mechanism, the African Commission on Human and Peoples' Rights began its work in The Gambia in the late 1980s. In 1995, a protocol was drafted in Cape Town, to establish a Human Rights Court to uphold the ACHPR more rigorously than the Commission. This was adopted by the Assembly in 1998, but only entered into force in 2003.

The 1980s and early 1990s may therefore be seen as a period of gradual evolution from strict non-interference norms to a more interventionist role for the OAU in conflict resolution and human rights enforcement. Presumably this continuity was deliberately downplayed by the architects of the African Union, both to reflect well on themselves as innovative leaders with a new continental vision and to disassociate the reformed organization from negative aspects of its image in the past.

It is evident from the analysis of OAU decisions, declarations and speeches over the years that Pan-Africanism was never the norm within the organization, not even at its inception. It was a minority voice, seldom heard and at times completely drowned out by African nationalism. The grand visions of Nkrumah, Selassie and Nyerere never won the support of the majority of African leaders,

who were all concerned to a greater or lesser degree with the consolidation of state power.

Yet the proposal for an African Army did lay the groundwork for the creation of the Peace and Security Council and provision for African-led peacekeeping interventions. The early proposals for *Pax Africana* by Nyerere and others planted a seed of the idea within the organization. This explains to some extent why the African Union was able to make such a seemingly radical switch in 2002 from non-interference to 'non-indifference'.[xi] The Pan-Africanist ideas held prototypes for an 'African Army' and human rights regime, which gathered momentum from democratization across Africa in the 1990s.

10. Reviving the dream: The 'United States of Africa', 1999

Like the OAU, the African Union was built on a compromise between different visions of continental unity.

The elections in 1999 of President Thabo Mbeki in South Africa and President Olusegun Obasanjo in Nigeria, began the race for regional influence between these two powerful countries in earnest. At the same time, Muammar Gaddafi of Libya, finding his country under UN sanctions after the Lockerbie bombing and spurned by the Arab League, turned his diplomatic energy towards Africa. It was this combination of initiatives that 'triggered the AU process' (Tieku, 2004: 251).

Gaddafi proposed an extraordinary session of the OAU Assembly, to be convened in Sirte, Libya from 6-9 September 1999. The purpose of the summit was to 'discuss ways and means of making the OAU effective'.[xii] It is thought that presidents Mbeki and Obasanjo welcomed the extraordinary session as a chance to present their plans to reform the OAU, while welcoming Gaddafi's offer to pick up the bill for the meeting (Tieku, 2004: 260).

Delegates were apparently taken by surprise when Gaddafi's opening address in September 1999 announced a blueprint for a 'United States of Africa', with a single African army, a common currency, and a continental leader with presidential powers. The Heads of State agreed to replace the OAU with a new regional institution, but tasked the Council of Ministers to draft a constitution for the organization (*ibid*: 261). As a result, the AU Constitutive Act that was adopted in Lomé, Togo in June 2000 was a far cry from the Libyan model, with a strong emphasis on democracy, human rights, condemnation of unconstitutional changes of government and a gradualist approach to regional integration, rather than federation.[xiii]

The AU was launched in 2002 as a reformed version of the OAU. It had a new legal foundation in the AU Constitutive Act, 2000, which replaced the OAU Charter of 1963. An ambitious range of new institutions, including a Peace and Security Council (PSC), Pan-African Parliament (PAP) and Court of Justice were established. Provision was made in Article 4(h) for a new enforcement regime to uphold regional commitments to human rights, which went even further than the United Nations in recognizing the right of the organization to intervene 'in grave circumstances, to prevent genocide, war crimes and crimes against humanity'.

The transformation of the OAU into the AU has been a move towards the supranational end of the spectrum of regional organizations in several respects. First, the legal powers of the organisation have increased with the replacement of the OAU Charter with the AU Constitutive Act, for example, the groundbreaking article 4(h) right of intervention. Second, the number and size of AU institutions has increased, created by the AU Act and a number of protocols and rules of procedure for each new organ: the Commission, the PSC, the PAP, etc. Third, the programme budget of the AU has increased substantially: from approximately US$30 million ten years' ago (1996/97) to around US $160 million in 2007.[xiv]

Fourth, the position of AU Commissioner has been designed as a more powerful role than that of OAU Secretary-General. The AU Act stopped short of the 'pooling of sovereignty' model of the European Union, however. The AU Act (Article 1) defines the AU Commission as 'the secretariat of the Union' rather than an executive structure independent of national governments, like the European Commission.

11. Dreaming on… 2007

Not content with the direction of the AU chaired by South Africa in 2002/03, Mozambique in 2003/04 and Nigeria in 2004/05, Libya continued to lobby for a United States of Africa. At the first few summits, procedural rules were cited as the reason Libya's proposals could not be considered. Some concessions were made, most notably, the surprising adoption of an amendment to article 4(h) of the AU Act, to extend the right of the AU to intervene in the case of 'a serious threat to legitimate order'[xv]. However, this amendment subsequently required ratification by two thirds of member states to enter into force, a process which has yet to occur, and could be stalled indefinitely if more than seventeen states neglect to ratify it[xvi].

When further proposals by Libya were placed on the agenda at the 4th Ordinary Assembly of the AU, held in Abuja in January 2005, the Assembly appointed a committee of Heads of State and Government to consider the matter. The Committee was made of Botswana, Chad, Ethiopia, Niger, Senegal, Tunisia and chaired by Uganda.[xvii]

The AU Summit held in Sirte, Libya in July 2005 was another platform for Gaddafi to persuade member states of the need for a United States of Africa. In a

lengthy opening speech, he warned that the African Union looked set to fail like the OAU, if it did not move faster towards full unification:

> We accept from others outside Africa to reduce our sovereignty and to interfere in our internal affairs, but we do not accept the same in the name of African unity. When we talk of African unity, we say no on the grounds that it is in conflict with our national sovereignty... Yet, we are prepared to cede our sovereignty to foreign powers. We accept that, saying this is the way things work in our own time, but when we talk of ceding part of our sovereignty to the African Union, we say no our sovereignty is too big a thing to compromise… (Gaddafi, 2005).

Gaddafi explicitly rejected the EU model of regionalisation, stating that, 'For hundred years now, we have been calling for the United States of Africa to be patterned on the United States of America and not Europe' (*ibid.*) His autocratic conception of governance was apparent in the refrain, 'who is in charge?', 'there is no one in charge', when repeating the need 'to apppoint' a single Minister of Defence, 'to decide and supervise interventions and peacekeeping activities', a Minister of External Trade, 'to negotiate with the main blocs in the name of a single African Market', and a single leader with presidential powers to represent Africa on the world stage (*ibid.*). Member states could have suspected that, like Marcus Garvey, who saw himself as president of the United States of Africa, Gaddafi may have been motivated by similar delusions of grandeur.

Under considerable pressure from their host, the Assembly agreed in principle that 'the ultimate goal of the African Union is full political and economic integration leading to the United States of Africa'[xviii]. It set up another Committee of Heads of State to draft recommendations, this time chaired by political heavyweight President Obasanjo, and including key states: Algeria, Kenya, Nigeria, Senegal and Uganda, plus small states Gabon and Lesotho. This Committee sent recommendations to an Experts Meeting of the AU Commission, held in Addis Ababa in December 2005.

The AU Commission subsequently created an Advisory Board, which in turn commissioned a study to review the proposals during 2006. This became the *Study on an AU Government towards the United States of Africa*, drafted at a Technical Workshop in Abuja in April 2006, hosted by the African Leadership Forum, a think-tank with strong ties to President Obasanjo.

South Africa weighed in at the Addis Ababa Summit in January 2007, when they offered to host a retreat of Foreign Affairs Ministers and an extraordinary session of the Executive Council to prepare for the 'Grand Debate on the Union Government', to be held in Accra in July 2007. The Accra summit ended inconclusively, with a declaration on the 3 July resolving only to establish another ministerial committee to make recommendations to the next Assembly of Heads of State and Government.

The saga of committees, experts' meetings, retreats and workshops set up to entertain these proposals may be seen as an effort to appease the Libyan leader, without actually conceding any ground to the idea of a United States of Africa.

12. Proposals from the AU Commission:

The theme for the Accra Summit of 2007, *An AU Government: Towards the United States of Africa*, takes its title from a study of the same name circulated during 2006 by the Office of the Chairperson of the AU Commission. The study consists of three chapters: (1) background on the deliberations regarding the 'formation of a Union Government' (para. 10); (2) framework of an AU Government, outlining the implications for the AU institutions and proposed changes; and (3) a timetable for implementation of changes leading to the United States of Africa.

Perhaps unsurprisingly, the document lacks substance. It is deliberately vague on both the rationale for and the content of a United States of Africa. It does not use the word 'state' to describe this entity, nor does it mention the over-riding of the national sovereignty of the 54 existing African states which it would require. The document merely implies an overarching sovereignty conferred by international recognition, in the final paragraph 120, that 'the United States of Africa would be officially constituted and recognized as such in the world community of nations'.

The United States of Africa is conceived as a long-term goal, to be achieved by 2015, with an AU Government established by 2009 as a 'transitory arrangement towards the United States of Africa' (para. 15). The proposed timeframe for establishing the United States of Africa is described as a 'tentative roadmap', suggesting that the outcome of full unification remains uncertain. The focus of the document is on the interim AU Government, rather than the United State of Africa, which is afforded only a two paragraph mention at the end of chapter three.

Chapter one acknowledges that the OAU was established in 1963, 'as a result of a compromise between supporters of full political integration and those preferring a loose cooperation organization' (para. 4). It then recalls integration strategies, such as the Lagos Plan of Action (1980) and the Abuja Treaty establishing an African Economic Community (AEC), to be achieved over a period of 34 years (para. 5). The replacement of the OAU by the African Union in 2002 is described as a further 'move towards political union… meant to accelerate the implementation process of the Abuja Treaty…' (para. 8).

Chapter two sets out proposals for changing the African Union into an AU Government. The word 'government' has connotations of a state structure, such as a federation. On closer examination, however, the document stops well short

of proposing a continental government to replace the regional organisation. Rather it proposes strengthening the supranational powers of the AU Commission vis-à-vis its member states, along the lines of the European Union's integration process. Although the document claims that creating a Union Government 'would have far-reaching implications for existing institutions and programmes of the AU… [and] require a revision of the Constitutive Act', the substance of the proposals may be summarized briefly, as:

- Appointing a full-time President of the Assembly, with three year tenure, to be 'the unique spokesperson of the Union at world or other special summits' (para. 35).
- The post would be assigned to a former Head of State or other distinguished African, rather than the existing one-year rotational system of chairing the Assembly by acting Heads of State and Government (para. 35/36).
- Strengthening the executive powers of the AU Commission, on the principle of subsidiarity, to grant executive authority over areas identified as the 'Community Domain' (para. 40/41).
- Extending the tenure and executive powers of the Chairperson of the AU Commission, to a seven year fixed term with greater involvement in the appointment of his/her deputy and Commissioners, and 'full managerial functions with respect to all high level personnel' (para. 43/44).
- Amending the AU Constitutive Act to 'reflect [the] common understanding… [that] Union Members have agreed to delegate, partially or totally, authority to a continental body… [aimed] at facilitating the establishment of a "Community Domain"' (para. 57).
- Revision of the Pan-African Parliament to allow for direct election of members and greater powers to exercise 'democratic oversight' over the Union as well as budgetary powers (para. 46/47).

- Incorporation of NEPAD under 'the executive competence of the Commission either integrally or as a subsidiary organ', with 'lines of authority [which] … run through the Executive Head of the Commission in consultation with the HSIGC' (para. 64).

The framework does not propose radical changes to existing AU institutions that are already established, namely the PSC and the ACHPR. It is broadly supportive of setting up or consolidating others envisaged by the AU, such as the Economic, Social and Cultural Council (ECOSOCC), the Courts of Justice and Human Rights and the financial institutions for economic integration. Significantly, it stops short of proposing a common currency for the Union, recognizing that, 'it is not realistic to require the different African regions to create the conditions for optimum currency areas in the medium to long term' (para. 73). A common currency has been one of the key features of the United States of Africa, but does not appear feasible to the authors of this study.

Financial control of the AU Government is to remain in the hands of member states, with the existing member state contributions to be supplemented only by indirect taxes – an import levy and tax on airline tickets – which are presumably to be collected at national level.

Chapter three sets out the 'roadmap', with the adoption of these proposed changes to the AU Act and institutions by 2009, drafting of a Constitution of the United States of Africa under the auspices of an AU Government from 2009-2012, and finally, adoption of the draft Constitution by Union Members (still the member states) with 'elections at all required levels (continental, regional and national)' to endorse the United States of Africa by 2015. Neither the purpose nor the process of these elections is made clear.

The essence of this document, then, is to lobby for greater executive powers for the AU Commission in general, and the Office of the Chairperson in particular. The relationship between the President of the Assembly and the Chairperson of the Commission is unclear, although presumably these roles are meant to echo those of mixed presidential and prime ministerial system of national government. This raises the question of where greater executive power would lie – with the presidential spokesperson for the Union Government, or the Commission Chairperson who has powers to appoint his/her commissioners, much like national ministers of a cabinet?

Compared to the EU's executive structure, this proposal is more likely to create tension between the Assembly and the Commission, by proposing a longer, full-time role for the President of the Assembly. The EU has the opposite: presidency of the Council of the EU (like the AU's Executive Council) and the European Council (like the AU Assembly of Heads of State and Government) rotates between member states on a six-monthly basis – even shorter than the current system of the AU Assembly. This very brief term of office for incumbent national leaders and ministers allows them very little executive influence over the EU. The President of the European Commission, in contrast, has a five year tenure and the power to choose his or her commissioners 'in consultation with' the Council of the EU. The document does not motivate why there should be parallel offices of a President of the Assembly and a Chairperson of the Commission, both with strong executive roles.

Further debate on this document should therefore centre on justifications for increasing the executive powers of the AU Commission. Is it desirable, necessary and feasible for the AU Commission to become a more supranational structure like the European Union?

An NGO observer of the AU suggested that by endorsing this policy document, Konare was seeking greater control over the AU Commissioners, and the Commission in general[xix]. In particular, he was reportedly not on good terms with the Deputy Commissioner. Other sources suggested that Konare felt he was being undermined from within the Commission[xx].

Personalities aside, this points to a structural weakness in the AU Commission, with the direct election of the commissioners by member states resulting in 'weak lines of accountability to the Chairperson and poor cohesion within the AU Commission during the past 4 years'[xxi]. This issue was on the agenda for discussion by the Executive Council in January 2007, although little change was made to the modalities for election of AU Commission officials.

Will this proposal for an AU Government lead inevitably to a new sovereign state known as the United States of Africa, or is it leading the AU in a different direction entirely? The source of this discussion document and its endorsement by Konare would suggest that the AU Commission is using the United States of Africa debate within the AU as a vehicle for the promotion of its own, quite different agenda. It is undoubtedly a more realistic and immediately attainable model for greater political integration, but whether the member states agree to this incremental limitation of their national sovereignty remains to be seen.

There is little evidence of political will on the part of member states other than Libya (and Senegal at the Accra Summit in July 2007), to place further limitations on their national sovereignty. To the contrary, many may feel that they have already conceded too much power to the AU organs to scrutinize their internal affairs. When asked how much power the AU had to implement the security agenda of the organisation, a senior official of the AU Peace and Security Commission commented that:

> Legally speaking, we have all the powers we need. When I look at the PSC Protocol, I wonder how we got so much power. We would never get these kinds of agreements past the member states now, since the euphoria around the AU launch has begun to wear off.[xxii]

He went on to suggest that some states have realized that they had 'overcommitted themselves', for example, to promises of democratisation. He said that several states knew that if they really held free, fair elections, as promised, they would lose power.

These observations implied a process of gradual change, and of constant negotiation of norms between member states, borne out by Constructivist theories of international organisations as agents of normative change[xxiii]. Even if certain member states experience buyer's remorse after adopting new instruments for peacekeeping, democracy promotion and human rights enforcement, the new institutions have now begun to 'socialize' member states into accepting these new norms.

13. Conclusion:

The problem for the debate on an AU Government or a United States of Africa is not so much the Pan-Africanist ideas themselves, but the lack of credibility of their current proponents. Given Libya's own record of authoritarian rule and many infringements of the sovereignty of its neighbours, Gaddafi's calls on African states to give up their sovereignty for the greater good of the people are regarded as hypocrisy. The proposals for a United States of Africa, brought to the table by Libya, focus on the centralisation of power without mention of democratic checks and balances.

As Van Walraven points out:

Pan ideologies… can easily be turned into a vehicle for expansionist ambitions… unity is an abstract term that has no meaning unless related to specific objectives, problems, interests or enemies. It is these that provide it with contents and make it come to life. Concomitantly, attitudes to unity depend on the question to which particular goal it is meant to contribute…'   (Van Walraven, 1999: 95).

A review of the original tenets of Pan-Africanist thought would therefore be instructive to the Accra Summit debate. Consolidation of new norms of humanitarian intervention and a strong regional human rights mechanism require further debate on the rights and responsibilities of sovereignty within the AU. This would be the long, hard path to substantial integration, towards the goal of human security, rather than state security. Whether the AU needs a more powerful, independent Commission to achieve this goal is subject to discussion and may benefit from comparative studies of the role of multilateral organizations in normative change.

The spirit of the Pan-Africanists may be revived without taking literally the proposals from the Cold War era, for a United States of Africa. The gradualist model of regional integration may well be the more realistic way to pursue the economic and security interests of Africa in the 21st Century.

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[i] See Constructivist theories of 'norm diffusion' within international organisations, described as a gradual process of 'socialisation' of member states and 'contestation' of 'old' and 'new' norms, for example, Finnemore, M. and K. Skikkink (1998); Acharya, A. (2004); (2005).

[ii] Tieku, Thomas, (2004) 'Explaining the clash and accommodation of interests of major actors in the creation of the African Union', *African Affairs*, 103: 249-267; William, Paul, (2007) 'From non-intervention to non-indifference: the origins and development of the African Union's Security Culture', *African Affairs* 106(23).

[iii] See the Preamble to the Brazzaville group's treaty of the Organisation Africaine et Malgache de Cooperation Economique (OAMCE), which states that: '*il n'y a plus lieu à l'heure actuelle de procéder à la création d'un organisme à caractère supra-national*', (Van Walraven, 1999: 96).

[iv] This point is clearly evident in the history of the South African liberation movement, as Robert Sobukwe's Pan-Africanist Congress (PAC) split from the African National Congress (ANC) in the 1940s as a more radical movement than the latter organisation, established in 1912. The two liberation movements rivalled each other long after they were both banned in the 1960s, however, it was the ANC that developed a mass support base inside the country during the 1980s, through the Congress of South African Trade Unions (COSATU) and the United Democratic Front (UDF) of NGOs, and therefore emerged as the majority party to win the first democratic elections in 1994, while the PAC's support dwindled away.

[v] AHG/Rex. 27(II).

[vi] See Wolfers, 1976, pp. 196-200, for a description of this turbulent period in the OAU's history.

[vii] AHG/ Res.101.

[viii] AHG/ Res. 102.

[ix] Constitutive Act of the African Union, 2000, Article 4(h).

[x] AHG/ Decl.3.

[xi] The phrase used by AU Peace and Security Commissioner, Said Djinnit, in a number of speeches and media statements.

[xii] AHG/Dec.140(XXXV).

[xiii] Constitutive Act of the African Union, 2000, Article 4(p).

[xiv] CM/2029(LXVII) OAU Programme Budget 1998-2000, p. 2; AU Draft Budget 2007, December 2006, p. 10.

[xv] Protocol on Amendments to the Constitutive Act of the African Union, 2003. See Baimu, E. and Sturman, K. (2003) 'Amendment to the African Union's Right to Intervene: a shift from human security to regime security?' in African Security Review 12(2): pp. 37-45.

[xvi] In discussion with an official of the Peace and Security Commission in January 2007, it was implied that this amendment was unlikely to enter into force in the near future.

[xvii] Assembly/AU/Dec. 69(IV).

[xviii] Assembly/AU/Dec. 90(V).

[xix] Interview with NGO researcher, Addis Ababa, 18/1/2007.

[xx] Interview with former AU Commission staff, Pretoria, 8/1/2007.

[xxi] Confidential update note prior the 8th Ordinary summit of the AU, Addis 22–30 January 2007, unpublished, January 2007.

[xxii] Interview with senior official of the AU Commission, Addis Ababa, 15 January 2007.

[xxiii] See Wendt, A. (1992); Ruggie, J. (1998); Finnemore, M. and Skikkink, K; Acharya, A. op cit. For a Constructivist approach to normative change in the African Union specifically, see Williams, P. 'From non-intervention to non-indifference: the origins and development of the AU's security culture', in African Affairs, April 2007.