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*The EU as a Model for the African Union:  
the Limits of Imitation*

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Jean Monnet/Robert Schuman Paper Series  
Vol. 7 No.2  
April 2007

Published with the support of the EU Commission.

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# THE EU AS A MODEL FOR THE AFRICAN UNION: THE LIMITS OF IMITATION\*

Olufemi Babarinde ♦

## Introduction

On July 9 2002, 53 Heads of State from across the African continent gathered at a memorable session of the defunct Organization of African Unity (OAU) in Durban, the Republic of South Africa (RSA) to bid farewell to the organization and to welcome the new African Union (AU). Amidst the attendant fanfare and pageantry, African leaders, one after another, not only took stock of the OAU's accomplishments, but also heralded the new Union as the dawn of a new era for the continent and its peoples. The host President and the AU's first president, Thabo Mbeki, even promised that the Union would liberate the African people from their misery, abject poverty and perennial underdevelopment. Other delegates in Durban also hoped that the new pan-African construct would intensify intra-African economic activities, resolve socio-political crises, foster continental unity, and improve the region's visibility and profile on the global stage.

While the optimism among African leaders and delegates about the AU at the inaugural meeting was conspicuous and contagious, it took the Secretary-General of the United Nations (U.N.), Kofi Annan, to caution the gathering 'not to mistake hope for achievement.' It was an apt and timely reminder of Africa's poor record on following through on intra-continental agreements/treaties, where it seems they are more content with launching new initiatives than delivering on results. After all, had the OAU lived up to its 1963 billings, it probably would not have been replaced with a new pan-African edifice in 2002. By most accounts, the OAU simply failed to deliver on many fronts, save a few areas, such as overseeing the end of white minority rule in southern Africa and the liberation of all African countries from colonial subjugation, and containing some border disputes.<sup>1</sup> For the most part, however, the OAU's record of achievements was terse at best. The characterizations of the OAU's accomplishments during its almost 40-year history by commentators have ranged from mild criticisms, such as "did not bring nations of the continent together," to scathing assessments, such as "did not achieve anything."<sup>2</sup> Poignantly, the OAU could not prevent many of Africa's civil wars, among them, in Angola, Congo-Kinshasa, Liberia, Mozambique, Nigeria, Rwanda, and Sudan in which millions of innocent lives perished, under the guise of the OAU's infamous and loathed principle of "non-interference."

So, in view of the foregoing grim assessment, how is the AU different, and is it likely to deliver where its precursor, the OAU, had not? To begin with, the AU, at least in its institutional set up, strikes a remarkable resemblance to that of the European Union (EU). Moreover, many observers have, correctly or otherwise, compared the AU to the EU. Is this a fair comparison? There is no doubt that the inception of the AU constituted an important epoch in the unfolding history of post-colonial Africa. The purpose of this paper, therefore, is to analyze the AU and its Constitutive Act, and to discuss the limits of the comparison between the AU and its European counterpart. This paper will argue that whereas the architects of the AU relied on the EU

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\* Paper presented at "The European Union, fifty years after the treaty of Rome" conference, University of Miami, March 26, 2007 under the co-sponsorship of the Miami-European Union Center

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template, the two entities are not only spatially apart, but fifty years apart. Hence, while it can be useful to employ tools and lessons from the experience of the EU to critically examine the AU, there are limits to the comparisons. The AU will have to chart its own course, travel at its own pace, find its own rhythm, and write its own history. The remainder of the paper is divided into five parts. The ensuing section two provides the context of the discourse by establishing the justification for regional integration as a panacea for Africa's unenviable deplorable economic and political condition. The section that follows then provides an overview of the African continent's experiences with regional integration initiatives. Afterward, the discourse shifts in section four to an examination of the main provisions of the AU's Constitutive Act, particularly the new Union's institutions and aspirations. Relying on relevant theories of integration, section five is devoted to an analysis of the AU's challenges and opportunities, as well as performance to date. The last section concludes with some remarks.

## **The Context**

The advent of the AU had been in the making arguably since 1977, when African leaders acknowledged that aspects of the OAU Charter had become outdated and needed to be reformed, and unmistakably since September 9 1999 at the organization's fourth extraordinary session in Sirte, Libya, where African Heads of State agreed to create an African Union. At the OAU's 36<sup>th</sup> ordinary session in Lomé, Togo on July 11 2000, African leaders adopted the Constitutive Act of the AU. Soon afterwards, at its fifth extraordinary summit in March 1-2, 2001, again in Sirte, Libya, African leaders unanimously declared the formation of the AU. They further agreed that the Act would become effective one month after its ratification by two-thirds of its member states, that is, 36 countries. Whereas they expected the process to last longer than a year, on April 26 2001, Nigeria became the 36<sup>th</sup> member state to ratify the Constitutive Act, thus enabling the new pan-African agreement to enter into force on May 26, 2001. Shortly thereafter, at the 37<sup>th</sup> summit of the OAU on July 9 2001, African Heads of State agreed to a one-year transition plan for the transformation of the OAU to the AU. At the same meeting, President Mbeki of South Africa was elected the AU's first president for one year, and the newly elected Secretary-General of the OAU, Amara Essy, was assigned the important task of overseeing the transition process.

The OAU, which was founded on May 25 1963, had become a relic of itself and the post-colonial era, because by the end of the 20<sup>th</sup> century, virtually every African country, whose cause for self-rule it championed had gained independence. Indeed, the accession of the RSA to the OAU in 1994 meant that an important mission of the OAU—ending colonial subjugation of the African people—had been accomplished. It was, therefore, no longer necessary for the OAU Charter to include “self-rule” as a moral imperative. Another imperative of the august organization was to coordinate and intensify the cooperation and efforts of member states to achieve a better life for the peoples of Africa. Yet, the evidence, after almost four decades of existence, was that the African condition was more dreadful than at the inception of the OAU. At the dawn of the 21<sup>st</sup> century, for example, the gross national product (GNP) for sub-Saharan Africa (SSA) was \$310 billion and \$520 billion for Africa in constant terms.<sup>3</sup> In other words, the estimated 800 million population of Africa generated only 5% of the national output produced by the 282 million people of the United States, or less than the much smaller populations of say, Canada (\$650 billion), Brazil (\$610 billion), and Spain (\$595 billion). Put differently, Africa's share in world total output declined from an already abysmally low of 3% (1975) to 2% (2005), while its share exports declined from almost 6% (1975) to an appalling 2% (2005), and its share of Foreign Direct Investment (FDI) dropped from almost 10% (1975) to a paltry 2% (2005).<sup>4</sup> It is, therefore, not surprising that roughly 60% of the countries in the World Bank's group of low-income countries were Africans. As well, all the welfare indices—Human Poverty Index, Human Development Index, and Physical Quality of Life Index—are generally low for the African people.

Additionally, the ostensibly perpetual conflagrations of the continent, as well as the worsening economic and social climate for its people are sad reminders of the inadequacy of the OAU and its organs. Not only have conflicts within African states become nastier and bloodier, but they have also sometimes spilled across national frontiers, thereby quickly turning what were initially civil wars into inter-state conflicts. Worse, the carnage and chaos that such conflicts have left in their wake have exposed the gross ineptitude of the OAU in achieving one of its primary aims—enhancing the unity and solidarity of African States. In an age of instantaneous dissemination of (bad) news, these flashpoints across the African continent embarrassingly illuminate the inadequacy of the OAU, having to wait for external assistance. The emerging consensus was thus that the OAU was obsolete and incapable of tackling the problems of the new millennium. To that end, Africa needed a new pact to re-invigorate its stagnant and underperforming economy.

### **The Road to Togo**

Africa's flirtation with the concept of an African Union in the form of a pan-African economic and political integration as an emotive and viable response to the African malaise is not recent. It has long existed as a conceptual theoretical construct, as well as in reality. Certainly, regional integration schemes are not a post-colonial phenomenon in Africa at both the continental and sub-continental levels.<sup>5</sup> To be sure, Africa's flirtation with regional integration can be traced to the pre-independence period, and as far back as the turn of the 20<sup>th</sup> century. The Southern African Customs Union (SACU), which was established in 1910, remains the oldest functioning manifestation of regional integration in the world. Other sub-continental regional integration endeavors across Africa since the independence decade of the 1960s have included the short-lived 1959 *Union Douanière de l'Afrique de l'Ouest* and the 1981 Sene-Gambia confederation, as well as the stillborn 1965 Maghreb Permanent Consultative Committee. Among the most notable more contemporary examples is the dormant Arab Maghreb Union (AMU) in 1989. The on again-off-again three-member East African Community (EAC), which was initially founded in 1967 and disbanded in 1977, was revived in 1994. The Economic Community of Central African States (ECCAS) that links 11 countries was set up in 1983, while a Common Market for Eastern and Southern Africa (COMESA) that encompasses 19 African countries was founded in 1993. The Southern Africa Development Community (SADC)<sup>6</sup> that links 13 countries was established in 1993, while the 15-member Economic Community of West African States (ECOWAS) was founded in 1975.<sup>7</sup>

Meanwhile, the ideal of pan-African cooperation *cum* unity dates back to the eve of Africa's independence, when, for example, a group gathered in Manchester, the United Kingdom, to promote freedom, justice, equality, and economic welfare for all African peoples.<sup>8</sup> This aspiration culminated in the founding of the OAU on May 25, 1963, although the provisions of the OAU Charter clearly fell short of what the pan-Africanists had longed for. Pan-Africanists like Kwame Nkrumah of Ghana and Julius Nyerere of Tanzania had respectively called for Africa to unite (Nkrumah, 1963) and to create a United States of America (Nyerere, 1963), when the OAU was founded.<sup>9</sup> The two leaders, who led their respective countries into independence and became their countries' first post-colonial presidents, called for the formation of a supranational pan-African government as an expression of continental solidarity and policy coherence. In essence, they belonged to the camp of African federalists, who subscribed to a "big bang" approach to African integration, even if it meant that the newly independent states of Africa had to cede part of their sovereignty to pan-African supranational structures, including a pan-African parliament, a pan-African court, and an African government. These "federalists" essentially wanted a big bang transformation of post-colonial Africa in order to optimize its potential benefits of a unified Africa, including the tapping of the continent's abundant resources.<sup>10</sup>

Some of their contemporaries, however, did not share the enthusiasm for the seemingly hasty federalist strategy, even though they believed in African cooperation, unity, and development. In this category of African leaders were the erudite Leopold Senghor of Senegal and Houphet Boigny of Côte d'Ivoire, who felt that it was too soon after independence to speak of a supranational pan-African government, let alone share their national political autonomy with it. Rather, these leaders called for functional cooperation on sundry issues among the sovereign states of Africa. They argued that the pursuit of a pan-African government was ill-advised, because it was like putting the cart before the horse. For them, economic integration must precede political integration, and strengthening the national order must precede any pan-African construct. In general, proponents of this school of thought associated a pan-African government, for which they had no appetite, with the final and highest level of regional integration. To get to that stage of regionalism, they argued, relevant sectors of the economy must first be integrated. Thus, they subscribed to a "gradualist" strategy.<sup>11</sup>

Notwithstanding their philosophical differences, African leaders kept the dream of continental regional integration alive. First in July 1977, the OAU backed an earlier resolution to create an economic community in gradual stages. Then, in April 1980, it reiterated the gradualist strategy in the Lagos Plan of Action and the Final Act of Lagos (LPA) in calling for the creation of an African economic community by 2000. Third, in June 1991, the OAU signed the Treaty of Abuja, which would gradually create an African Economic Community within 34-40 years.<sup>12</sup> Thereafter, the OAU operated under two legal instruments, viz., the OAU Charter and the Treaty of Abuja. It was thus known as the OAU/AEC until the AU supplanted it in July 2002 at the 38<sup>th</sup> summit of the OAU.

Against the backdrop of the foregoing, therefore, when Muammar Gaddafi, for instance, proposed a United States of Africa at an OAU summit in Sirte, Libya in 1999, the idea was by no means novel. He was essentially resurrecting and echoing an idea that the forerunners of pan-Africanism, inter-alia, Nkrumah and Nyerere, had floated four decades earlier. However, like his forerunners, Gaddafi has been greeted with skepticism, not so much from within Africa as from outside the continent. Critics wondered if he has an ulterior motive, as they did about Nkrumah and Nyerere back in the 1960s. In the same vein, when Thabo Mbeki suggested an alternative 'easy does it,' gradualist approach at the Durban summit, he was echoing sentiments that had been espoused by the likes of Boigny and Senghor forty years earlier.

### **The Constitutive Act of the AU**

To recapitulate, in the 1999 Sirte Declaration, African leaders agreed to transform the OAU to the AU. Shortly, thereafter, in July 2000, African leaders adopted the African Union Constitutive Act in Togo, which entered to force in May 2001. So, what is in the Constitutive Act? Broadly, it comprises 33 articles.

Respectively, Articles 3 and 4 deal with the objectives and principles of the Union. Specifically, Article 3(a-n) include, inter-alia, achieving greater unity and solidarity between the peoples of Africa and the continent's countries, defending the territorial integrity and independence of member states, and accelerating the political, social, and economic integration of the continent.<sup>13</sup> Furthermore, the AU aims to defend and advance Africa's common position on issues of interest to it and its people, support international cooperation with a view to relevant international treaties, and promote peace, security, and stability. The AU also aims to promote democracy, human rights, sustainable development, policy coordination and harmonization between Africa's regional communities, and research and development. Similarly, the Constitutive Act outlines 16 principles in Article 4(a-p) that shall guide the activities of the Union, including sovereign equality and interdependence among member states, the participation of the African peoples in the Union's activities, the establishment of a common African defense policy, the prohibition of the use of force or threat to use force among its members, and non-

interference by any member state in the internal matters of another. The principles also include the right of any member state to request intervention from the Union so as to restore peace and security, as well as the right of the AU to intervene in a member state as regards war crimes, genocide, and crimes against humanity. Other guiding principles include the promotion of gender equality, self-reliance, and social justice, respect for democracy, human rights, the rule of law, and good governance, as well as condemnation and rejection of unconstitutional changes of government.

Articles 5 through 22 of the Consultative Act cover the inclusive nine institutions of the Union, viz., the Assembly, the Executive Council, Specialized Technical Committees, the Pan-African Parliament, the Court of Justice, three financial institutions, the Commission, the Permanent Representatives Committee, and the Economic and Cultural Council.

The Assembly of Heads of States and Government, whose composition and operating rules are spelled out in Articles 6 through 9, is the Union's supreme organ. It shall meet at least once annually in ordinary session, and may meet in extraordinary session at the request of any member state, subject to approval by two-thirds of the member states. Furthermore, Article 6 (4) of the Constitutive Act stipulates that the Office of the Chair of the Assembly shall be held by a Head of State or Government for one year. According to Article 7, the Assembly shall take its decisions by consensus, by a two-thirds majority, and by a simple majority (on procedural matters). While Article 8 deals with the rules and procedures of the Assembly, Article 9 spells out the functions of the Assembly, including, inter-alia, setting the policies of the Union, adopting the Union's budget, review applications for membership, establishing any institutions of the Union, appointing and terminating the judges of the Court of Justice, and appointing the Chairman of the Commission and other Commissioners.

The Executive Council comprises the Ministers of Foreign Affairs or other ministers, and meets at least twice a year in ordinary session. It may also meet in an extraordinary session upon request by a member state, subject to approval by two-thirds of the Union's members. Like the Assembly, voting in the Executive Council is by consensus, two-thirds majority, or a simple majority. Article 13 of the Constitutive Act outlines the functions of the Council, which include the coordination and formulation of policies in areas of common interests, such as foreign trade, agriculture, environment, science and technology, nationality and immigration issues, and setting up an African awards mechanism. The Executive Council is responsible to the Assembly.

The Specialized Technical Committees (STCs) are responsible to the Executive Committee, and Article 14 of the Act provides for seven of them. They deal with (a) rural economy and agricultural matters, (b) monetary and financial affairs, (c) trade, customs and immigration matters, (d) industry, science, and technology, (e) transport, communications, and tourism, (f) health, labor, and social affairs, and (g) education, culture, and human resources. The Committees shall be composed of relevant Ministers or senior officials, and meet as often as necessary. They are also responsible for supervising, following up, and evaluating the implementation of decisions by the other organs of the AU.

The Pan-African Parliament (PAP). Article 17 of the Constitutive Act provides for the creation of a pan-African parliament, purposely to enable the African peoples to participate in the development and economic integration of the continent. Its composition, powers, functions, and structure are to be defined at launch time.

The Court of Justice. Article 18 of the Act makes allowance for the establishment of an African Court of Justice (ACJ). As noted earlier, its justices will be appointed by the Assembly. Its statute, composition, and functions are to be defined later, presumably by the time it is

inaugurated. Once the ACJ is established, it shall be responsible for, inter-alia, interpreting the provisions of this Act (Article 26).

The Financial Institutions. The Act calls for the creation of an African Central Bank, an African Monetary Fund, and an African Investment Bank. Their rules and regulations are to be defined later, most probably at inception.

The Commission of the AU is the *de jure* secretariat of the Union, and is based in Addis Ababa, Ethiopia, the headquarters of the Union (Article 24). The Commission is headed by a Chairman, who, along with his or her deputy/deputies, and other Commissioners, is appointed by the Assembly. The Chairman and his/her colleagues are supported by a bureaucracy. The structure, functions, and regulations of the Commission are also to be determined by the Assembly.

The Permanent Representatives Committee (PRC) composed of Permanent Representatives (ambassadors) of member states to the AU. It is responsible for preparing the work of the Executive Council, and for acting on Council's instructions. The Act empowers it to set up sub-committees or working groups as it deems necessary.

The Economic, Social, and cultural Council (ECOSOCC) comprises different social and professional groups of the member states, and functions as an advisory body of the AU. Its powers, functions, and ancillary matters relating to the body are to be determined by the Assembly.

The two paragraphs of Article 23 of the Act address the imposition of appropriate sanctions on member states that default on their financial obligations to the AU, and that fail to comply with the Union's decisions and policies. Appropriate sanctions are defined as the denial of the right to be heard at AU meetings for payment defaults, and the denial of communication links with other member states for the latter infractions. The remaining provisions of the Consultative Act address a range of pertinent issues, such as working languages (Article 25), signature, ratification, and accession (Article 27), entry to force of the Act (Article 28), admission to membership process (Article 29), suspension of governments that come to power through unconstitutional means (Article 30), the process for withdrawing from the AU (Article 31), the process for amending and revising the Act (Article 32), and transitioning from the OAU to the AU, and ancillary issues (Article 33).

## **Praxis and Analysis**

In this section, we will discuss the similarities between the AU and the EU, followed by a discussion of some of the challenges the AU faces.

### Similarities

It is instructive to note that many of the articles of the Constitutive Act were transferred from the 1991 Abuja Treaty that launched the AEC. This should not be surprising, because the Act incorporated and replaced the AEC. Institutions, such as the Assembly, the PAP, and the ACJ were previously mooted in the defunct AEC. It is further instructive to note the striking similarities between the institutional structures of the AU and the European Union's, at least on paper. Indeed, the architects of the AU have not hidden the fact that the AU was modeled on the EU. President Gaddafi has admitted as much that he drew his inspiration from the EU experience.<sup>14</sup> Likewise, at the July 2001 OAU summit in Zambia that dealt with the transition from the OAU to the AU, "several references were made to the African Union being loosely based on the European Union model."<sup>15</sup> At any rate, the AU's "Assembly of Heads of State and



Government” is comparable to the EU’s European Council, while the “Executive Council” of the AU is analogous to the Council of Ministers, especially the General Affairs Council. The analog of the Committee of Permanent Representatives (COREPER) in the AU is the Permanent Representatives Committee, and that for the Economic and Social Committee (ECOSOC) in the AU is ECOSOCC. Other institutions of the AU and EU that share similar names are the Commission, the Court of Justice, and the Parliament. The AU’s Specialized Technical Committees might only be analogous to the EU’s COREPER I. There is no doubt from the foregoing about the similarities of the names and functions of the major institutions of the AU and the EU’s, what is yet unknown is whether the AU’s institutions will eventually develop the sophistry and expertise for which their EU counterparts are known. For example, will the PRC evolve into a powerful decision-making body that its EU counterpart, the COREPER, has become? Only time will tell.

Another area where we can draw parallels between the EU and the AU is with regard to their goals. Although they arrive at their respective goals from different experiences, the aspirations are similar. Both Unions, for example, hope to use regional integration to promote peace, stimulate economic growth, achieve solidarity for their peoples, and strengthen their international profile/stature. Whereas the experiences of two world wars in the 20<sup>th</sup> century in particular necessitated the EU, in the hopes that rapprochement between France and Germany would help to preserve tranquility in Europe, following which economic integration would be possible, for the AU, Africa has had its share of violent civil and inter-state wars. Many observers have also pointed out that the frequency of wars in Africa compromises economic strategies on the continent, because the resultant instability scares away potential capital and risk-averse investors. That, in turn, reduces domestic capital formation. So, just as the EU has used regional integration to preserve peace via an increasingly interdependent economic structure, the AU also needs regional integration as a vehicle for promoting pan-African peace, in order to enhance the prospects for positive economic results. In short, the AU needs to make Africa’s economies more mutually interdependent. That can only happen if they trade more with one another in a South-South context. Indeed, as have learned in the experience of the EU, perhaps the single most remarkable achievement of the EU is the assurance that war is an unthinkable option for conflict resolution within the EU. After all, “borders frequented by trade seldom need soldiers.”<sup>16</sup>

## Challenges

One of the major challenges that the AU faces is its sheer membership size. At over 50 member states, potential pitfalls that could stall and even reverse the progress of the AU are manifold. They include, but are not limited to, decision-making moving at the pace of a snail, or even grinding to a halt. Unlike the EU which had the luxury of starting its regional integration journey with only six countries, although it was unintentional, it was relatively easier to forge consensus on many issues. According to neo-realist theory, given that nation-states are rational actors and behave in self-interested manners, and are influenced by domestic actors, getting to a consensus position at the supranational/international level may be painstakingly difficult. The 1965 Empty Chair crisis is a vivid reminder of how decision-making can grind to a halt, even in a supranational structure that comprises as few as six member states. The EU is also instructive in how increasingly difficult decision-making has become as it widens its membership. The challenge that the AU, then, faces is how to forge consensus or even a two-thirds majority on important substantive issues. If the Union cannot decide, then it might as well pack it up and call it the day. Indeed, if member states begin to withdraw from the Union, because of frustration with inaction, the perception will not bode well for the AU. Although from a decision-making standpoint, the fewer the member of states, the better, any withdrawal of membership from the AU will likely be viewed negatively. It is preferred to gain members than to lose members, because the former signals progress and could result in the possibility of assuming more

responsibilities at the supranational level (spillover effect), while the latter portends that all is not well, and the possibility of holding off on supranational projects or abandoning them altogether (spillback effect).<sup>17</sup>

Related to the preceding concern is the potential challenge of biting too much at once. At its inception, not only did the AU kick off with a mammoth crowd of member countries, but it's also trying to operate on all cylinders. One of the lessons of regional integration in general, and of the EU's experience in particular, is that regional integration is a process, and not an event. In the neo-functionalist tradition, it's best to integrate the African economy, one sector at a time, and gradually, via the construct of a new collective decision-making center. In a way, the AU seems cognizant of this gradualist strategy, and seems to have subscribed to it by creating mechanisms for creating supranational EU organs. Missing somewhat from the current arrangement are mechanisms for formulating concrete policies for actualizing its aims, or following through on rhetoric. For example, although the Constitutive Act included the right of the Union to intervene in a Member State in respect of grave circumstances (Article 4.h), the AU quietly amended the provision in 2003 by watering down the grounds for intervention. Apparently the provision, which had been widely hailed as one of the boldest statements by African leaders, and a profound improvement on the defunct OAU, was amended because of the Bush administration's decision to invade Iraq in 2003.<sup>18</sup> Thus, at the height of the genocide in western Sudan, the AU appeared incoherent and uncertain of the appropriate response, even though it eventually sent some 800 peace keepers there.<sup>19</sup>

The AU also needs to expedite the creation of certain supranational institutions, most notably, the Court of Justice. The Court is vital for adjudicating disputes and interpreting the provisions of the Act. Although the Assembly is expected to stand in for the ACJ until it debuts, according to Article 26 of the Act, the arrangement is nonetheless fraught with potential problems. First, having a group of Heads of State and Government adjudicate cases that could well involve them smacks of the old ways of doing business in many African countries—the absence of a bona fide separation of powers. What if the dispute is between the Assembly and another institution of the AU? How would the Assembly be able to recuse itself from the case, even if it wanted to? It reeks of a potential conflict of interest. Second, could cases that were previously decided by the Assembly be appealed to the ACJ after the debut of the apex court?

Another challenge is that whereas the Constitutive Act addresses the process of applying for membership, it is not explicit on the criteria of membership. The best we can do is to stitch together the criteria by inferring from the provisions of the Act. For instance, the grounds for suspension and the bases for the imposition of sanctions offer some hints. It would seem that if a member state could be suspended for coming to power through unconstitutional means, then, a condition for membership would be a duly constituted government in accordance with the country's constitutional provisions. In other words, the government must be elected, especially since one of the aims of the Union is to promote democratic principles (Article 3.g). It would also seem that the ability to assume the obligations of membership, including paying annual dues to the budget of the Union, and readiness to accept the pronouncements of the Union would constitute important criteria. This concern may be much ado about nothing, because only one African country, Morocco, has remained outside of the Union. However, what would the AU do if a non-African country, say, from the Caribbean or the Middle East, in the spirit of South-South cooperation, applied for AU membership? Unlike Article 49 of the Treaty of European Union (TEU), which explicitly stipulates that a would-be applicant needs to be European, the Constitutive Act of the AU is silent on whether being an African country is a precondition for membership. After all, the boundaries of pan-Africanism are beyond the shores of the African continent. Ironically, Morocco, which pulled out of the OAU in 1986, found out after applying twice for EU membership that it was not considered "European."

Another major concern is a glaring omission from the Act how the Union intends to finance its activities/programs. The best we can discern from the Act is that the budget will rely

on member state's annual dues and fines that are imposed on recalcitrant member states. Whereas annual dues are more predictable, sanctions are too unpredictable to rely on as a major source of revenues. In view of the fact that funding was a major handicap of the defunct OAU, the absence of any explicit provision on how the Union will finance its ambitious programs and institutions is worrisome.

## Conclusion

The foregoing discussion demonstrates that regional integration is a potential panacea for Africa's deplorable condition, and the AU is a positive development in that direction. However, as the discussion also shows, sharing the same names with EU institutions does not mean that the AU will have a similar experience as the EU. For starters, their historical circumstances are different. Moreover, the EU started with a group of only six, affluent countries, while the AU started with 53, mostly impoverished, countries that vary widely in population, economic size, per capita income, and so forth. Similarly, as Kofi Annan reminded African leaders in 2002, the AU's task is daunting indeed, because, unlike the EU, it has "a larger geographical space to cover with far fewer resources."<sup>20</sup>

Nonetheless, there are glimmers of hope. For example, one of the major achievements of the AU thus far is how quickly its member states ratified the Consultative Act almost one year ahead of schedule. Given the continent's unenviable pedigree of dragging its feet on important issues, the Act was ratified by the required two-thirds of the OAU members within a year. It might be a sign of positive/great developments in the future of the continent. It might also be a testimony to an appreciation of the sense of urgency by Africa's new leaders. Another major landmark in the young Union is the launching of the pan-African Parliament in 2004, when the body held its first meeting at its Midrand, South Africa home. Again, member states ratified the protocol setting up the parliament in record time.<sup>21</sup> A third encouraging development is the adoption of the New Partnership for Africa's Development (NEPAD) at the 2001 Lusaka summit as the AU's economic blueprint/policy, arguably, the closest example of sectoral emphases and perhaps of functional spillover in the Union. Another closely related development is the Peer Review mechanism, which encourages member states to submit their macroeconomic strategies for review by independent experts.

In order for the AU to succeed, each of its institutions must function according to the provisions of the Act. The Union must enhance its financial mechanism. That is, in typical EU lingo, develop its "own resources." The Commission must work effectively with other institutions at the supranational level, while simultaneously working with member states' functionaries. The provisions of the Act must be actualized, including allowing civil societies access to the arena for policy initiation, policy formulation, policy implementation, and policy adjudication. The AU should be about the African peoples, and as such should have relevance at the grassroots level. It seems that the peoples of Africa have been largely left out of the process, because they seem to know very little about the AU, or policies such as NEPAD and the peer Review process. This has to change by being more relevant in the streets of Africa, and by bringing decision-making closer to the people if the AU hopes to deliver

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<sup>1</sup> Examples include disputes between Burkina Faso and Mali, and Cameroon and Nigeria over Bakassi, and also Algeria and Morocco over Sahrawi, and Ethiopia and Somalia over Ogaden.

<sup>2</sup> See, among others, "United we succeed," Neil Ford, *NewsAfrica*, March 29, 2004: 32-33; "Algathafi tells African Leaders 'If only we had listened to Nkrumah,'" *New African*, August/September, 2005: 30-33; and *The OAU After Twenty Years*, Yassin El-Ayouty and William Zartman (eds), London: Praeger, 1984.

<sup>3</sup> For the statistics reported here and in this essay, see *World Development Indicators 2002 & 2006* (Washington, D.C.: The World Bank, 2002 & 2006).

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<sup>4</sup> *World Investment Report*, UNCTAD, 2006.

<sup>5</sup> One of the earliest regional integration arrangements in Africa was the customs union between Kenya and Uganda in 1900. Prior to the independence period, indigenous movements in favor of African regionalism existed, some of which evolved into pan-African arrangements. See, among others, Olatunde Ojo, "Regional Co-operation and Integration," in Olatunde Ojo, D.K. Orwa, and C.M.B. Utete, *African International Relations*, London: Longman, 1985.

<sup>6</sup> The SADC was previously known as the Southern African Development Coordination Conference (SADCC). It was replaced by the SADC in August 1992. For details, see "African Leaders Sign Treaty" in *Financial Times*, August 18, 1992: 3.

<sup>7</sup> The *Communauté Economique de l'Ouest* (CEAO) links the Francophone members of ECOWAS, partly at the urging of the French government in the early 1970s.

<sup>8</sup> "Profile: Organization of African Unity (OAU)/African Union," [www.africa-union.org](http://www.africa-union.org)

<sup>9</sup> Kwame Nkrumah, *Africa must unite* (New York, Praeger, 1963) and Julius Nyerere, "A United States of Africa," *Journal of Modern African Studies*, Vol. 1, 1963: 1-6.

<sup>10</sup> For a discussion of the literature on the federalist approach to regional integration, see, among others, *The European Community*, Juliet Lodge (ed), London: Frances Pinter, 1983: 6-23.

<sup>11</sup> This approach falls within the real of the (neo) functionalist theory of regional integration. For a discussion of the literature, see, among others, *The European Community*, Juliet Lodge (ed), London: Frances Pinter, 1983: 6-23; and L.N. Lindberg and S.A. Scheingold, *Europe's Would-Be Polity* (Englewood Cliffs, N.J.: Prentice-Hall, 1970: 135-140).

<sup>12</sup> [http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/pdfs/oau/treaties/AEC\\_Treaty\\_1991.pdf](http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/oau/treaties/AEC_Treaty_1991.pdf)

<sup>13</sup> [http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/pdfs/oau/treaties/Constit\\_Act\\_of\\_AU\\_2000.pdf](http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/oau/treaties/Constit_Act_of_AU_2000.pdf), [http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/oau\\_index2.html](http://www.iss.co.za/AF/RegOrg/unity_to_union/oau_index2.html), and [http://www.au2002.gov.za/docs/background/oau\\_to\\_au.htm](http://www.au2002.gov.za/docs/background/oau_to_au.htm)

<sup>14</sup> See, for example, "Exit OAU, enter AU," Tom Nevin, *African Business*, September 2001: 10-13.

<sup>15</sup> [http://www.au2002.gov.za/docs/background/oau\\_to\\_au.htm](http://www.au2002.gov.za/docs/background/oau_to_au.htm)

<sup>16</sup> A Thunderbird slogan, expressed by its second president.

<sup>17</sup> See, for example, L.N. Lindberg and S.A. Scheingold, *Europe's Would-Be Polity* (Englewood Cliffs, N.J.: Prentice-Hall, 1970: 135-140).

<sup>18</sup> The logic was that the Bush administration could use the original provision of Article 4 (h) as a pretext for removing unfriendly governments in Africa ("What price intervention," Evarist Baimu and Kathryn Sturman, *AfricaWeek*, February 2006: 30-31).

<sup>19</sup> "AU struggles to find coherent response to war," Andrew England, *Financial Times*, December 29, 2006: 5; and

"Symbolic blow to African unity," Mark Sorbara, *AfricaWeek*

<sup>20</sup> *African Business*, September 2002.

<sup>21</sup> "Pan Africa Parliament alive and kicking," *New African*, July, 2004: 16.