

Institutionalising Pan-Africanism

Transforming African Union values and principles into policy and practice

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Introduction

The African Union has emerged as a home-grown initiative by which the African people will be able to effectively take the destiny of their continent into their own hands. In this paper the creation of the AU as the institutionalisation of the ideals of Pan-Africanism will be assessed. The underlying purpose of the creation of the AU is to promote solidarity, cooperation and support among African countries and peoples so as to address the catalogue of problems they face.

Some observers and commentators question whether the AU is a valid undertaking at this time, or whether it is just another ambitious campaign by self-seeking leaders to distract attention from other, more pressing problems on the continent. It is true that while the AU does exist, African unity does not. Most of Africa's problems can be resolved by mobilising the political will to address the internal issues of social and political exclusion, authoritarianism, economic mismanagement and the misappropriation of state resources. The argument put forth in this paper is that the critical challenge facing the AU is whether it can transform the extensive range of principles, norms and values that it has adopted into practical policies which can be implemented. The proposition is that the institutionalisation of Pan-Africanism will only be achieved when the ideals that inform this movement begin to manifest as progressive policy prescriptions. In turn, these policy prescriptions have to lead to the implementation of programmes that will actually affect and improve the lives of Africans across the continent.

The point of departure is an analysis of Pan-Africanism and a discussion of its institutionalisation in the form of the AU. This will be followed by an assessment of the extent to which the norms and principles of the AU, namely peace, development, governance, human rights and the rule of law and participation, have been

translated into protocols, treaties and institutions. The discussion concludes with policy recommendations.

Defining Pan-Africanism

The general assumption is that the process of continental integration began with an extraordinary summit of the Organisation of African Unity (OAU) which was convened in Sirte, Libya, in 1999. But in fact the process began with the Pan-African movement and its demand for greater solidarity among the peoples of Africa. Therefore an understanding of the emergence of the AU should start with the evolution of the Pan-African movement. A review of the objectives and aspirations of Pan-Africanism provides a foundation for a critical assessment of the creation of the AU and its prospects for promoting the principles and norms of peace and development.

Historically Pan-Africanism - the perception by Africans in the diaspora and on the continent that they share common goals - has been expressed in different forms by different people. There is no single definition of Pan-Africanism and in fact there are as many ideas about Pan-

Africanism as there are philosophers on Pan-Africanism. Rather than a unified school of thought, Pan-Africanism is a movement with as its common underlying theme the struggle for social and political equality and freedom from economic exploitation and racial discrimination.

It is interesting that the global dispersal of persons of African descent is partly responsible for the emergence of the Pan-African movement. As Hakim Adi and Marika Sherwood observe in their book on political figures in the history of the movement: 'Pan-Africanism has taken on different forms at different historical moments and geographical locations' (Adi & Sherwood 2003:vii). They also note that the underpinning of these different perspectives on Pan-Africanism is 'the belief in some form of unity or of common purpose among the peoples of Africa and the African Diaspora'

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(ibid). The movement also emphasises a celebration of 'Africaness', resistance to the exploitation and oppression of Africans and their kin in the diaspora as well as staunch opposition to the ideology of racial superiority in all its overt and covert guises.

Pan-Africanism is an invented notion (Murithi 2005), an invented notion with a purpose. This begs the question of what the purpose of Pan-Africanism is. Essentially, Pan-Africanism is a recognition of the fragmented nature of the existence of Africans, and their marginalisation and alienation both on their own continent and the rest of the world. Pan-Africanism seeks to respond to Africa's underdevelopment and exploitation and the culture of dependency on external assistance that unfortunately still prevails on the continent. If people become too reliant on getting their support, their nourishment and their safety from outside sources, they do not strive find the power within themselves to rely on their own capacities. Pan-Africanism calls upon Africans to draw on their own strengths and capacities and become self-reliant.

Pan-Africanism is a recognition that Africans have been divided among themselves, that they constantly compete with each other, are deprived of true ownership of their own resources, and are inundated with paternalistic external actors. Modern-day paternalism takes a sophisticated form, manifesting as a kind and gentle helping hand with benign and benevolent intentions. In reality, however, it perpetuates a 'master-servant' relationship and resists genuine empowerment of Africans and independence of thought in Africa. The net effect is disempowerment of Africans, so they do not decide for themselves on the best way to deal with problems and issues unique to them. Pan-Africanism recognises that the only way out of this existential socio-political crisis is by promoting greater solidarity amongst Africans. While dialogue and debate in Africa will not always generate consensus, it will at least be dialogue among Africans about possible resolutions to their problems. It holds out the belief that if ideas are not designed by the Africans themselves, it will rarely be in the interests of Africans.

From Pan-Africanism to the Organisation of African Unity

In the 20th century, the Pan-African movement became more formalised. Its first formal organisation was the Pan-African Congress, which developed from congresses which were convened in the UK and the US under the leadership of activists like the African-American writer and thinker W E B du Bois and the Trinidadian Henry Sylvester Williams and was

inspired by the ideas of persons like the Jamaican-American Marcus Garvey. These ideas were adopted and reformed by continental African leaders in the middle of the 20th century. Kwame Nkrumah, who later became the first president of Ghana, Sékou Touré of Guinea, Léopold Senghor of Senegal, Banar Abdel Nasser of Egypt and Ali Ben Bella of Algeria took the idea of Pan-Africanism to another level on 25 May 1963 when they founded the OAU (OAU 1963). The principles of the OAU, with the primary objective of continuing the tradition of solidarity and cooperation among Africans, kept the spirit of Pan-Africanism alive.

During the era of the OAU, the key challenge was colonialism. Since 1885, in what became known as the 'scramble for Africa', various European colonial powers (including the British, French, Belgians, Dutch, Germans and Italians) had colonised enormous parts of Africa. Africans who had successfully fought on the side of the allies during the Second World War brought ideals for independence back to Africa after the war.

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The OAU embraced the principle of Pan-Africanism and undertook the challenge of liberating all African countries from the grip of colonialism. Its main focus was to bring an end to racial discrimination, on which colonialism with its doctrine of racial superiority was based. In addition, the OAU sought to assert the right of Africans to control their own social, economic and political affairs and achieve the freedom necessary to consolidate development. With the help of international actors the OAU made a major breakthrough in achieving this primary mission in 1994, when a new government based on one person,

onevote came into being in South Africa under the leadership of Nelson Mandela. However, the OAU was not as effective in monitoring and policing the affairs of its member states when it came to the issues of violent conflict, political corruption, economic mismanagement, poor governance, infringement of basic human rights, lack of gender equality, and eradication of poverty.

The preamble of the OAU Charter of 1963 outlined a commitment by member states to establish, maintain and sustain the 'human conditions for peace and security' (Gomes 2005). However, the charter also contained the provision to 'defend the sovereignty, territorial integrity and independence of the member states' (OAU 1963) - a provision that was later translated into the principle of non-intervention. The key organs of the OAU - the Council of Ministers and the Assembly of Heads of State and Government - could only intervene in a conflict situation if they were



invited to do so by the parties to that dispute. Many intra-state disputes were considered to be internal matters and as such the exclusive preserve of the governments concerned.

In June 1993 the OAU created a Mechanism for Conflict Prevention, Management and Resolution in Cairo, but it was ineffective in resolving disputes on the continent. Tragically, the Rwandan genocide which started in April 1994 took place while the mechanism was operational. It was also during this period that the conflict in Somalia led to the collapse of the state, while violence in Sierra Leone, Liberia, Angola, the Democratic Republic of Congo (DRC) and Sudan led to the death of millions of Africans. These devastating events highlighted the limitations of the OAU as an institution to implement the norms and principles it propounded. It demonstrated the impotence of the OAU in the face of violent conflict within its member states. However, the Rwandan tragedy did serve as the impetus for the adoption of a new paradigm to promote peace and security on the African continent.

The doctrine of non-intervention unfortunately resulted in the OAU being purely an observer of the atrocities committed by some member states. Eventually a culture of indifference became entrenched in the international relations of African countries, and they could act with impunity and without fear of retribution. In effect the OAU was a toothless watchdog. The OAU was perceived as a club of African heads of states, many of whom were not democratically elected representatives of their own citizens, but self-appointed dictators and oligarchs. This negative perception informed people's attitude towards the OAU as an organisation that had little true impact on the daily lives of Africans.

The creation of the African Union

The AU came into existence in July 2002, in Durban, South Africa. It was supposed to usher in a new era of continental integration leading to a greater unity and resolution of its problems. The evolution of the AU from the OAU was visionary and timely. The OAU had failed to live up to its norms and principles: at the time of the demise of the OAU, Africa was a continent that was virtually imploding due to the pressures of conflict, poverty and underdevelopment and public health crises like malaria, tuberculosis and HIV/Aids. The OAU effectively died of a cancer of inefficiency because it had not lived up to its ideals of promoting peace, security and development in Africa. The AU emerged as a home-grown initiative, which placed the destiny of the continent in the hands of its people. The

question is, however, whether the AU will be able to live up to its vision and realise its mission.

The AU is composed of 53 member states and run by the AU Commission based in Addis Ababa, Ethiopia. It is chaired by Alpha Oumar Konare. Its most important decision-making body is the Assembly of Heads of State and Government and the executive decision-making organ is the Executive Council of Ministers. The council works closely with the Permanent Representatives Committee of Ambassadors in Addis Ababa, Ethiopia. The AU has also established a number of institutions, which are discussed below.

The African Union as the institutionalisation of Pan-Africanism

If the 'purpose' of Pan-Africanism is known, it is easier to understand the steps required to achieve its goals. It is against this context that it becomes possible to understand the AU. It would be a mistake to view the AU as an organisation that simply emerged of its own accord over the last few years. It should more appropriately be viewed as purely the latest incarnation of the ideals of Pan-Africanism. As such it represents the third phase of the institutionalisation of the Pan-Africanism, following as it does on the Pan-African Congress and the OAU. It therefore forms part of a progression and is unlikely to be the final phase. It is hoped that it will be followed by organisations will bring about ever closer political, economic, social and ties among African peoples. The ideal of African unity can be traced back to the 19th century and the AU is its expression in the 21st century. It does not propound to be the perfect form, but it does represent a progression towards

Pan-Africanist ideals.

Transforming Pan-African norms and principles into policy and practice

The underlying purpose of the AU is to promote solidarity, cooperation and support among African countries and peoples in order to address the problems of the continent as a whole. In this section it is argued that the ultimate utility of the AU will depend on whether it can transform the extensive range of principles, norms and values that it has adopted into practical policies which can be implemented. Some of these principles are discussed below.

The principle of peace: The AU Protocol on Peace and Security

As discussed above the AU is an expression of Pan-Africanism. One of the greatest challenges to this

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solidarity concerns how the AU addresses human security issues, problematic humanitarian situations and public health concerns like the HIV/Aids pandemic, malaria and tuberculosis which are decimating societies. The true expression of Pan-Africanism will be achieved only when member states and societies in Africa regard the post-conflict security and well-being of their neighbours as being fundamentally related to their own (Centre for Conflict Resolution 2005). Once this has been achieved, political determination will be required to bring about humanitarian interventions in crisis situations. This view is reinforced by the Strategic Plan and Vision 2004-2007 issued by the AU Commission, which also reiterates the importance of achieving peace and security as a necessary prerequisite for post-conflict reconstruction, development and the consolidation of democratic governance.

The AU has the primary responsibility for establishing and operationalising the continent's peace and security structure (Mwanasali 2004). The 2002 Constitutive Act of the AU has entrenched the right to intervene, which means that African countries have to agree to give up some of their sovereign powers to enable the AU to act as the ultimate guarantor and protector of the rights and well-being of the African people.

The Peace and Security Council was established as a legal institution of the AU through the Protocol Relating to the Peace and Security Council in 2002 (AU 2002). It is the key institution charged with upholding peace on the continent and it is complemented by the Panel of the Wise, the Continental Early Warning System, the African Standby Force (which is to be operational by 2010) and the Military Staff Committee. An AU Peace Fund has been established to ensure that there will be sufficient resources for post-conflict reconstruction efforts. According to the Indicative Work Programme of the Peace and Security Council, the AU will endeavour to be present on the ground where there is a need for a peace operation. Whether as a stand-alone AU operation or in partnership with regional economic communities (RECs), the UN and others, the AU has indicated its commitment to being active in post-conflict reconstruction. This means that the African Standby Force needs to become operational sooner rather than later to ensure that there is the necessary enforcement capacity to consolidate peace agreements and intervene when and where necessary (Cilliers & Malan 2005).

The AU's peace efforts in Burundi

The AU has only been functioning for five years and has inherited the assets and liabilities of the OAU. This has hampered its efforts towards peace operations on

the continent, despite an urgent need for it. However, the AU has intervened in Burundi to promote peace and pave the way for a more robust UN peace operation. The country has been plagued by decades of political tension and sporadic civil war.

The African Union Mission in Burundi (AMIB), which was launched in 2003, was the first operation wholly initiated, planned and executed by AU members. In this regard it represents a milestone for the AU in terms of self-reliance in effecting and implementing a peace operation. AMIB was mandated to stabilise a fluid and dynamic situation which could result in a relapse back into violent conflict. In April 2003 the AU deployed AMIB with more than 3 000 troops from South Africa, Ethiopia and Mozambique to monitor the peace process and provide security (Murithi 2005:91-95).

Throughout its period of operation AMIB succeeded in de-escalating a potentially volatile situation and in February 2004 a UN evaluation team concluded that the conditions were appropriate for the establishment of a UN peacekeeping operation in the country. In terms of UN Security Council Resolution 1545 of 21 May 2004 to deploy a peacekeeping mission in Burundi, Kofi Annan, the UN Secretary-General, appointed a special representative, Ambassador Berhanu Dinka, to head the mission on 1 June 2004.

The AU's efforts in Darfur

One cannot deny that the AU's fledgling institutions lack adequately trained personnel and the financial wherewithal to underwrite all the initiatives it would like to undertake (Murithi 2007). Nowhere was this clearer than in the complex humanitarian situation in the

Darfur region of Sudan, where the AU security efforts were not wholly successful. With the increasing tension and violence in Darfur in 2003 the AU came under a great deal of pressure to take action to address and resolve the dispute, with the undertaking from the international community that it would provide political, diplomatic and financial follow-up support to ensure the success of the mission. On this basis the AU took the initiative and brokered the Humanitarian Ceasefire Agreement in N'djamena, Chad, on 8 April 2004. The African Union Mission in Sudan (AMIS) deployed troops to oversee this ceasefire. Three years later it is clear that the AU force on the ground, consisting of some 7 000 troops, are unable to provide effective monitoring of the humanitarian crisis in the region or coordinate efforts to advance the cause of peace.

This issue raises the question of whether African leaders are serious about the principles to which they committed themselves as signatories of the

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Constitutive Act of the AU. The Sudanese government, also one of the signatories, would probably be able halt the atrocities being committed in Darfur if it genuinely wanted to and in the process alleviate the pressure on the AU to resolve this issue. However, a more fruitful avenue for addressing the Darfur issue would be through diplomatic pressure on the Khartoum regime, rather than the 'endless' disbursement of resources on peacekeeping to a place where there is no peace to keep.

The AU's narrow mandate in Darfur does not provide it with the flexibility to implement more robust peacemaking and peacebuilding initiatives. Neither does it have the wherewithal to finance comprehensive peace operations. Despite these limitations and lack of success in Darfur, the AU deployed a peacekeeping force in Somalia to try and bring stability to the country in March 2007.

The peace envoys of the AU

Another important initiative for promoting the principle of peace entails the deployment of special envoys by the AU Peace and Security Council. Such envoys have already been sent to the Central African Republic in 2003 (Sadoka Fayala of Tunisia was sent to assist with the post-conflict peacebuilding efforts), to Togo in 2005 (former President Kenneth Kaunda) and to Zimbabwe, also in 2005 (where the former Mozambican President Joaquim Chissano tried to persuade an intransigent Mugabe regime to negotiate with the country's opposition parties). The latter followed on a report by the UN's Special Envoy, Anna Tibaijuka, in which Zimbabwe's urban demolitions project was strongly criticised for resulting in 800 000 people losing their homes. It had an adverse effect on the studies of young children and some even stopped their schooling altogether. The report described the government-sanctioned forced removal of people from their homes as a 'violation of the right to adequate housing and other rights including the right to life, property and freedom of movement' (Tibaijuka 2005:63). However, true to form, the government of Zimbabwe rejected the appointment of Chissano, saying that it could not negotiate with an opposition that it perceived as stooges of the real power-brokers in London. The Zimbabwean government also issued a 45-page report in which it rejected the UN report and quoted the Zimbabwean Minister of Information as saying that the UN report a 'a mischievous report'.

From this it would seem as if the AU has miscalculated its possible influence on this issue. However, there is still an urgent need to find a way out of this deadlock,

which has begun to affect neighbouring countries and could have an adverse social and economic impact in the southern African sub-region. One solution could be to rephrase the AU intervention as assistance, or possibly the AU could start a dialogue with Zimbabwe, along the lines of the Congolese dialogue for the DRC. This would serve to expand the number of stakeholders beyond the government and the opposition to include civil society, ecumenical groups and so on.

The AU's attempt at mediation between the Zimbabwean government and opposition parties was a demonstration of its attempt to transform its norms and principles into policy and practice. Despite its lack of success, it showed that the AU is at least trying to act responsibly towards its members. However, it is clear that the AU still has a long way to go to internalise its principles in its relations with members. There are several other situations around the continent which require some form of intervention too, such as between northern Uganda and the Lord's Resistance Army.

If the AU is to internalise the principles of Pan-Africanism, it will have to act at an earlier stage, and not wait until a situation is out of hand before deciding to intervene. Furthermore, it should not always wait for the international community to make the first move. Obviously, the African continent would benefit most if there was collaboration between the AU, UN, EU and other partners. In this way the AU might succeed in achieving its vision and implementing its policies.

Promoting principled leadership

In January 2006 the AU Assembly met in Khartoum, Sudan. Traditionally, the country that hosted the Assembly also chaired it for the next year. However, by 2006 the atrocities being committed in Darfur and the negative publicity that Sudan had incurred were dominating the agenda. Therefore the AU heads of state agreed to defer Sudan's chairmanship till 2007. Interestingly, in January 2007 the AU reneged on its promise to give Sudan the chairmanship of the Assembly of Heads of State and Government and Ghana was elected to the position instead. This clearly indicates that the AU is making an effort to live up to its principles of not endorsing or tacitly supporting members that flagrantly abuse its values.

Implementing the principle of post-conflict reconstruction

The AU has developed an African post-conflict reconstruction policy framework through a broad

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consultative process with civil society and key stakeholders (NEPAD 2005). This framework stresses the link between peace and security on the one hand, and humanitarian and development dimensions of post-conflict reconstruction and peacebuilding on the other. The aim of the framework is to coordinate and guide the efforts of the AU Commission, the AU secretariat, the RECs, civilians, the private sector and other internal and external partners in the process of rebuilding war-affected communities.

This plan is based on the premise that each country should adopt a post-conflict reconstruction strategy that corresponds to its own particular needs (Bond 2005). In most countries there is a need to develop a post-conflict reconstruction process that addresses the needs of vulnerable groups such as women and children, who are increasingly becoming the targets of violence in conflict situations. Therefore the peacebuilding policy of the AU stresses the importance of factoring the needs of such groups into planning and programming in order to develop an effective overall post-conflict strategy. The disabled, ex-combatants, child soldiers and victims of sexual violence also need receive appropriate care and attention since an inadequate post-conflict programme can actually increase the vulnerability of these groups.

***The principle of development:
The New Partnership for
Africa's Development***

The AU has to implement its development principles to enable Africa to gain control of its economic policies. At this stage it is being mainly controlled externally, a situation that has to be addressed as soon as possible. The Structural Adjustment Programmes and Poverty Reduction Strategy Papers promoted and enforced by the International Monetary Fund (IMF) and the World Bank have had a negative impact on Africa's development. By these two organisations' own admission, the programmes did not achieve their objectives. In fact, UNCTAD estimates that IMF/World Bank policies implemented since 1980 have led to a 10 per cent decline in economic growth in Africa (UNCTAD 2004).

Africa and the AU must therefore declare its economic independence anew and identify programmes that will bring genuine development to the people who need it most. It is in this context that much is being said about the New Partnership for Africa's Development (NEPAD) for which the Group of Eight (G8) countries pledged support at their meeting in Kananaskis, Canada, in June 2002. NEPAD is a programme of the AU, not a separate institution. It was designed by African leaders and adopted in Abuja, Nigeria in

October 2001. One of the criticisms of NEPAD was that it did not include the views of African civil society and since then the AU has made efforts to consult with civilians. NEPAD proposes ways to advance and accelerate Africa's peace and security by building a strong foundation for development and economic growth. It proposes to do this through improved access to education and training and to healthcare, and by building the infrastructure necessary to make Africa an equal partner in global trade and economic development (Nkhulu 2005).

Some critics of NEPAD argue that the programme cannot succeed because it tries to integrate Africa into a global framework of neo-liberal laissez-faire economic principles, and that this is part of the reason why Africa finds itself in a poor situation in the first place. The argument is that Africa's current situation stems from an economic framework in which richer countries preach free trade but protect their own industries while simultaneously putting pressure on developing countries to open up their markets. Liberalised African markets give larger global corporations the opportunity to extract primary commodities at low prices, buy up industries and production in Africa and repatriate profit out of Africa back to their global shareholders. They thus deny Africans the benefit of these profits, which are essential for building infrastructure and promoting development. As an illustration, in agriculture alone developed Organisation for Economic Cooperation and Development countries spend US \$320 billion a year on subsidies, a situation which undercuts cotton production in Mali and Burkina Faso and restricts their competitiveness in global markets.

Therefore critics argue that at the very least African governments should be allowed to strengthen and protect their local industries. In addition, they should ensure that profits remain on the continent to support development. The basic argument is that the adoption of a neo-liberal framework for development is akin to adopting an aggressive strategy for promoting peace.

With regard to the issue of debt cancellation, many African countries are spending more money in servicing multilateral debt than the combined amount they spend on the provision of healthcare and education to their people. Again, this means that more money is exiting Africa and returning to foreign bankers. Clearly, this is an unhealthy situation that is hampering development and the promotion of peace. The AU should therefore also consider the establishment of institutions that aim at promoting development and trade, including an African central bank, an African monetary fund, and an African investment bank.

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The principle of governance: The African Peer Review Mechanism

States on the African continent are to a large extent suffering from an unprincipled form of governance in which the people's right to free participation and choice of leaders is subverted. This means that though elections are regularly held, people have no choice in leaders for whom they may vote. The mere fact of elections is not sufficient to bring about democracy. However, it would seem that the situation is changing: in the late 1980s the majority of African countries were led by dictators who did not even to pretend to seek the votes of their people to remain in power. Today the majority of African governments seek legitimacy through universal suffrage. While some of these processes are not as transparent as they should be, they do at least demonstrate that the principle and norm of ruling with the consent of the people is beginning to take root on the African continent.

The NEPAD framework has launched an African Peer Review Mechanism (APRM) which will monitor and assess the compliance of African governments with the norms of governance and human rights (APRM base document). This innovative mechanism of voluntary, self-imposed assessment seeks to raise the standards of governance and economic management in Africa. The ultimate aim is to improve the lives of African people by promoting a climate that will encourage investment and development.

The first four countries to volunteer for an APRM audit were Ghana, Mauritius, Rwanda and Kenya. These countries will be assessed in four key areas, namely democracy and political governance, corporate governance, microeconomic governance and socio-economic development. The APRM team also consults with civil society and the private sector. These APRM reports will be key tests of the effectiveness of NEPAD and the commitment of the AU to monitor and police its own members (Kajee 2004). Critics argue that the APRM has 'failed' in its analysis and criticisms of the lack of democratic governance among its members.

Unprincipled and unconstitutional changes of government

Once peace and democracy has been consolidated, it would be vital to ensure that the constitutions that have been developed through consultation with citizens are maintained and not undermined. This is problematic at the outset, because there are still a significant number of African governments that initially came to power through unconstitutional means. In spite of this,

article 30 of the Constitutive Act rejects any future 'unconstitutional change' of government.

The recent coup d'état in Mauritania was a test of the commitment of the AU to this principle. The AU rose to the challenge and summarily suspended Mauritania from its activities. The AU went so far as to send ministers to Nouakchott, the Mauritanian capital, to personally inform the new military junta that the AU would not accept unconstitutional changes of government. With this act the AU effectively put on notice others who harbour intentions to overthrow existing governments. However, the junta in Mauritania was accepted on the basis of its pledge that it would proceed to elections. Elections were indeed held in 2007.

The principle of human rights and the rule of law

The AU envisages the formation of an African Court of Justice and Human Rights. The purpose of the court will be to adjudicate on human rights violations affecting African citizens. The court will be established in Arusha, Tanzania. In terms of promoting the norm of the rule of law and the protection of human rights in Africa, it will be possible to make submissions to the court. While the first judges of the court were appointed in 2006, no cases have been heard yet.

The principle of participation: The AU's interface with civil society

In 2004, Africa established its first ever Pan-African Parliament (PAP), based in Midrand, South Africa. The spokesperson of the AU, Desmond Orjiako, observed that 'this is an extremely important step for us, it will enable all persons to have a forum where they can air their views' (Orjiako 2004). According to Orjiako the PAP will enable African citizens to make inputs into how they should be governed. The PAP will work in close cooperation with the parliaments of the RECs and national parliaments of member states. The PAP will hold annual consultative forums with these bodies to discuss matters of common interest. The intention is that the body will eventually have the ability to make laws and coordinate laws for the whole continent, which will ensure grassroots involvement by ordinary Africans in the laws that affect their future.

The AU has also established an Economic, Cultural and Social Council which sits in Addis Ababa, Ethiopia and includes civil society representatives from across Africa. The AU has also established a Civil Society and Diaspora unit (CIDO) to monitor its efforts on civil society initiatives within the office of the chairperson of the Commission. NePAD, too, has established a

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structure for interfacing with civil society, according to Nkhulu: '... a civil society desk has been established at the Nepad Secretariat with a view to having a one-stop focal point for civil society.' He confirms that 'civil society participation is an integral part of the African Peer Review process' (Nkhulu 2005:9).

The principle of gender equality

The Assembly of Heads of State and Government, which is the highest decision-making body of the AU, comprises 52 men and only one woman. Obviously the gender imbalance in the composition of the AU has to be redressed and the AU accordingly adopted the principle of gender equity through its 'Solemn declaration on gender equity'. This declaration was approved by the AU Assembly in 2004. The AU Commission has also instituted a programme of affirmative action and has stipulated that five of the ten commissioners should be women. In order to advocate for and monitor its gender policies, the AU has established a directorate for gender within the Office of the Chairperson.

The limits of Pan-Africanism

In view of the above initiatives, based on its principles, the question that can be raised is whether the institutionalisation of Pan-Africanism is in fact taking place. As was stated above, the AU exists but African unity does not. Most of Africa's problems can be resolved if the political will is mobilised to address the internal issues of social and political exclusion, authoritarianism, economic mismanagement and the misappropriation of state resources. Some observers and commentators question whether the AU is at this time a valid vehicle for addressing the ills of the continent, or whether it is just another ambitious campaign by self-seeking leaders to distract attention from the pressing problems of the continent. The critical challenge facing the AU is whether it can transform the extensive range of principles, norms and values that it has adopted into practical policies with a practical basis. The institutionalisation of Pan-Africanism will only be achieved when the ideals that inform this movement begin to manifest as progressive policy prescriptions. In turn, these policy prescriptions must lead to the implementation of programmes that will improve the lives of ordinary Africans across the continent.

The notion of Pan-Africanism has historically been used to defend the rights of nation-states against external interference. At the dawn of the 21st century the majority of African heads of state and government have held onto this norm. This is the position despite the fact that most have signed the Constitutive Act of

the AU, which is a blueprint for greater intervention in the affairs of member states, particularly on issues relating to peace and security.

At some point in its history the principle of non-intervention became a license for oppressive post-colonial governments to kill their own peoples through internecine conflicts. This created a need to return to the principles that animated and inspired the Pan-Africanists who founded the movement, and to implement these principles in practice. The opportunity provided by the renewed sense of Pan-Africanism can be used by African citizens to hold governments and their institutions accountable for their actions and responsible for the wellbeing of their people. Accordingly, the renewed sense of unity and solidarity should serve as a foundation of Pan-African standards of accountability and respect for the rights of human beings, and not a guise for permitting the excesses and misuse of state power.

Critics of Pan-Africanism argue that this movement or ideology did not in the past bring about any significant transformation, other than enabling 'a trade union of dictators' in the form of the OAU heads of state and government to rule unjustly and harshly. For that reason words uttered by current African leaders should be followed by concrete deeds. The question is: how Africa should set about the task of protecting and guarding its institutions against exploitation? If the response is through greater solidarity and unity, does this imply Pan-Africanism? If African countries are left to follow their own dictates, without censure and intervention by fellow Africans, the result is precisely the violence and slaughter in Kigali, in Freetown, Monrovia, Bukavu, Mogadishu and Darfur. How does Africa

prevent future massacres if not through working together as one African collective? Therefore Africans should find a middle road between the ideological stance of Africans for Africa, as propounded by Pan-Africanism, and the politics of non-intervention, collusion and inaction which African leaders still propound today.

Pan-Africanism is a tool and in the right hands could be a key to Africa's emancipation. It was Kwame Nkrumah who argued that African states must unite or sell themselves out to imperialist and colonialist exploiters or sell themselves for a mess of portage, or disintegrate individually. Nkrumah was offering future generations of Africans an option for a better life, as against an Africa divided and torn apart by disputes between states and factions within one state. Africa, through its leaders, has sold out the continent for the illusion of power and privilege. As a consequence the continent is on the brink of disaster.

The AU exists but African unity does not

A possible antidote to this critical situation is that the emphasis should be on a united stance, one that benefits all African peoples. Africans and their leaders should return to their ideological roots and relearn the principles that animated their struggle for independence and freedom. Today another battle for freedom is being waged on the continent: a battle for freedom from conflict, poverty, disease and exploitation.

Towards the politics of principle: Institutionalising the norms of the African Union

The above exposé of the limitations of Pan-Africanism paints a rather negative picture. However, there are some light points in the situation. The AU is aware of the shortcomings that sunk the OAU and is at least making an effort to avoid the same mistakes. It has involved itself in on-going peace efforts, such as Côte d'Ivoire, Sudan and Liberia. It does have some major challenges ahead, but it has realised that humanitarian and undemocratic issues, such as in Zimbabwe, cannot be left to that country alone, particularly if that country has signed the Constitutive Act of the AU, in which members undertake to embrace a 'respect democratic principles, human rights, the rule of law and good governance' (art 4). Such problems should be dealt with by the AU and all its member states, in such a way that its wayward members return to the fold. However, the AU is only five years old and still has to overcome the old habits inherited from the defunct OAU. It is nevertheless making headway against the policy of non-involvement in which member states could do as they wanted to within their borders.

As Eddie Maloka observes in *A United States of Africa?* African leaders must be commended for taking advantage of the changed environment to advance the cause of the African continent (Maloka 2001:5). The transition from the OAU to the AU is a visionary step towards greater integration, good governance and the rule of law in African countries. However, the changes will come at a price, both in ideological and monetary terms.

At their annual summit in Addis Ababa in 2004 AU leaders discussed ways and means of ending years of conflict, reducing poverty and combating the scourge of HIV/Aids on the continent (Integrated Regional Information Network 2004). The chairperson of the AU Commission, former President Alpha Oumar Konare, unveiled a three-pronged plan aimed at reaching these objectives and estimated that it would cost at least US \$600 million. It includes proposals for a peace fund of US\$200 million and the AU hopes to have its own standby rapid-reaction force of 15 000 troops,

consisting of five regional brigades, to prevent and help resolve conflicts in Africa by 2010. The PAP which was recently inaugurated would cost US\$30 million, while US\$3 million will be required to finance the proposed court of justice. Funds are also required for the continent-wide peace, security and development blueprint known as the NEPAD. The implications of these projects are that most African countries would have to significantly increase their contributions to the AU.

The view of the AU Commission is that the continent must be seen to pick up the bill for its own problems before turning to rich nations and expecting more and continuing support. If African governments do not make the pledge to fund the AU, it would undermine the ability of key institutions to implement strategies for building a new Africa effectively. These funds could be found - if prospects for peace become a reality, a substantial amount of funds can be redirected from the huge military budgets of some African countries. If countries are prepared to integrate their security mechanisms and even establish a Pan-

African armed forces division, finances and resources would be freed for education, healthcare and development. The obstacles to funding would thus seem to be mostly self-imposed, and egotistical state-centric attitudes of states and leaders on the African continent would have to be overcome. Prior to the July 2004 summit the former director of the Peace and Security Directorate of the AU, Ambassador Sam Ibok, stated that 'funding for the AU so far is totally inadequate' and argued that African leaders needed to commit money to back up their creation. Ibok said that 'the only way we can sound credible to the rest of the world is by putting something

on the table. If you establish these AU institutions, then you have got to pay for it' (Ibok 2004).

Towards a Union of Africa?

The agenda to establish a Union Government of Africa, or the so-called United States of Africa (USA), is well under way. At the core of this debate is the desire to create several ministerial portfolios for the African Union. During the 4th Ordinary Session of the Assembly of Heads of State and Government, from 30 to 31 January 2005, in Abuja, Nigeria, the AU agreed to the proposals made by the Libyan government to establish ministerial portfolios for the organisation. Specifically, in the 6th Ordinary Session of the Executive Council of AU Ministers, Libya proposed the establishment of the post of a minister of transport and communications to unify transportation in member states to be under the competence of the AU. The portfolio will include airports and main ports of African capital cities,

The AU is aware of the shortcomings that undermined the OAU and is making an effort to avoid the same mistakes

highways, inter-state railways, and state-owned airline companies, which are to become the basis for a single African airline company. Libya proposed that this should ultimately lead to the creation of a post of minister of transportation and communications. Similarly, Libya proposed the creation of the post of minister of defence and of an African Union minister of foreign affairs.

In order to respond to these proposals, the AU Assembly decided to set up a Committee of Heads of State and Government chaired by the president of the Republic of Uganda and composed of Botswana, Chad, Ethiopia, Niger, Senegal and Tunisia. The committee was to liaise with the chairperson of the AU Commission and submit a report by the next summit, in July 2005. In November 2005, the committee convened a conference with the theme 'Desirability of a Union Government of Africa'. The meeting included members of the committee, representatives of the regional economic communities (RECs), technical experts, academics, civil society and diaspora representatives, as well as the media. The conference came up with three key conclusions, including the recognition that the necessity of an AU government is not in doubt; that such a union must be of the African people and not merely a union of states and governments; that its creation must come about through the principle of gradual incrementalism; and that the role of the RECs should be highlighted as building blocks for the continental framework. Based on the findings of this conference the Assembly mandated the AU Commission to prepare a consolidated framework document defining the purpose of the Union government, its nature, scope, core values, steps and processes, as well as an indicative roadmap for its achievement. The Assembly reaffirmed that the ultimate goal of the African Union is full political and economic integration leading to a United States of Africa.

The chairperson of the Committee of Seven, President Olusegun Obasanjo of Nigeria, submitted a detailed report entitled: A study on an African Union government: towards the United States of Africa, on July 2006, to the 7th Ordinary Session of the AU Assembly in Banjul, Gambia. Some of the key themes emerging from this report highlighted the fact that Africa is over-dependent on the external world, particularly with regard to expatriate technicians and technology. It also noted that Africa has not fully exploited its potential at national, regional and continental levels with reference to trade, education and health sectors. It notes that 'a United Africa would have the unique potential of producing most types of food and agricultural produce throughout the year' (AU 2006:7). The study also notes that in the context of globalisation, 'the challenges of

overdependence and under-exploitation of its potentials have increased the marginalisation of the continent in world affairs' (AU 2006:8). The study further outlines the 16 strategic areas that an African Union government should focus on including continental integration; education, training, skills development, science and technology; energy; environment; external relations; food, agriculture, and water resources; gender and youth; governance and human rights; health; industry and mineral resources; finance; peace and security; social affairs and solidarity; sport and culture; trade and customs union; infrastructure, information technology and biotechnology.

The study notes that the design and functioning of a Union government as a tool for integration would have far-reaching implications on the existing institutions and programmes of the African Union (AU 2006:7). It further assesses the implications of a Union government on the organs of the AU. The most notable impact would be the need to consider allowing a longer tenure (about three years for example) for the President of the Assembly of the AU (AU 2006:14).

The president of the Assembly would also be the unique spokesperson of the union at world or other special summits. Therefore the study notes that it would be desirable that the function of president be on a full time basis and could be assigned to a former head of state or any distinguished African with the necessary background and track record for the job (AU 2006:14). Another notable innovation would be that under the Union government, the AU Commission will be entrusted with the implementation of decisions, programmes and projects in the strategic focus areas, which will constitute the Community Domain (AU 2006:15). This notion of issues

falling under the Community Domain would assign the commission with 'the executive authority and responsibility to effectively implement' policies. The study also recognises that the logic of using RECs as building blocks for the eventual deep, continental integration remains valid. The challenge is in aligning, synchronising and harmonising the integration efforts of member states, the RECs themselves, and the AU.

There are also national implications of the establishment of a Union government. The study notes that it is vital to build the necessary constituency for advancing political integration. In this regard, some countries have already set up ministries in charge of integration and other countries should follow suit. The study notes that there is also a need to devise appropriate mechanisms for legislative implications at the national level and the direct involvement of the people in promoting the Union Government could also be in the form of national associations or commissions for the United

A Union government would have far-reaching implications on the existing institutions and programmes of the African Union

States of Africa (AU 2006:30). In terms of financing the Union government the study discusses the possibility of establishing indirect taxation schemes particularly with regards to an import levy and an insurance tax. A meeting of Ecosocc in March 2005 proposed imposing a five US dollar tax on each air ticket bought for interstate travels and US\$10 on each ticket for travellers between Africa and other continents (AU 2006:31). Ultimately, the study is positive about the prospects for a Union government and outlines three phases for the transition to such a government:

- The initial phase – commencing immediately after the decision of the Assembly at the AU summit in July 2007. It will include all the steps and processes that are necessary for the immediate operationalisation of the Union government
- The second phase will be devoted to making the Union government fully operational in all its components and to laying the constitutional ground for the United States of Africa
- The third phase will aim at the facilitation of all required structures of the United States of Africa at the levels of states, the regions and the continent (AU 2006:31)

The study recommends a three-year period for each phase, which will mean that the United States of Africa will be formed by the year 2015. Elections at continental, regional and national levels would be held, paving the way for the official constitution of the United States of Africa.

The role of civil society in continental integration debates

It is important to include people and civil society in this grand debate. To what extent is the majority of African people aware that this debate is going on? If they are not aware, who is having this conversation on their behalf? How can a Union government project succeed if it does not have the buy-in and support of the people of Africa? Can there be an African Union government without African citizenship? Where are the African citizens in this debate? The AU convened from 28 to 30 May 2007 an all-inclusive continental consultation on the Union government project, at its headquarters in Addis Ababa, as part of the preparations towards the Accra meeting. Civil society participants were given the opportunity to contribute to debate. The AU has also established a website inviting public contributions on the debate. Without laying the foundations for genuine African citizenship, an African Union government will ultimately remain a pipe dream.

Policy recommendations

If a strategy to institutionalise Pan-Africanism and transform AU principles and norms into policy and practice is to succeed, the organisation's institutions,

structures and mechanisms will have to be used to consolidate peace and development. In particular, the emerging AU peace and security infrastructure should be used to intervene in and prevent conflict situations before the disputes become violent, since prevention is better than cure. It is also important to operationalise the brigades of the AU Standby Force that have already been established and engage them in ongoing peacekeeping and post-conflict operations on the continent.

The AU should also exert pressure on parties to implement post-conflict peace accords and uphold agreements. It should act as moral guarantor of post-conflict peace agreements and appoint special representatives to monitor such agreements. Principled post-conflict reconstruction and development requires improved policy coordination and collaboration with international partners like the RECs, UN, EU and other bilateral and multilateral partners.

It will be possible to promote the institutionalisation of Pan-Africanism by encouraging all African states, in particular those emerging from conflict situations, to sign up for the APRM and submit themselves to regular audits. A further step would be to initiate a programme of community awareness to inform the African people of the existence of the AU and the mechanisms that are being established to address peace, security and development issues. A useful strategy would involve conducting a continent-wide civic education programme to inform the people of the existence and workings of the PAP and the Economic, Social and Cultural Council (ECOSOCC), and how they interact with the AU and NEPAD.

Conclusion

The extent to which Pan-Africanism can be institutionalised depends on whether the principles and norms that have been adopted by the AU can be translated into policies that impact upon the lives of African citizens at ground level. The AU has established what can only be described as a symphony of institutions and organs. The challenge is whether the AU can act as an effective conductor, so as to ensure that the organisation orchestrates Africa's recovery from violent conflict and puts in place strategies for development.

People need to be placed at the centre of the AU's strategy for building peace and reinforcing democratic governance and the rule of law across the continent. The AU is not a well-known organisation among the majority of African people, so there is a need for greater publicity and awareness with the aim of encouraging African citizens to make the Union their own. The AU should not be the exclusive enclave of a small diplomatic elite and continental civil service, but should belong to all Africans. Financial support for

the AU does after all come from taxpayers' money. Therefore each African has the right to ask what the AU is doing to improve this continent, its states and its societies. One thing seems to be true: the AU is here to stay and is off to a good start. It does however need to be given a chance to develop in order to make a difference on the African continent.

In the final analysis, the grand debate on the Union government is to be welcomed. The injunction that the great Pan-Africanist Kwame Nkrumah left us with is still valid: Africa must unite, or disintegrate individually. Somehow the debate captures this spirit and could be viewed as only the latest incarnation of an attempt to institutionalise Pan-Africanism. Understanding the motivations behind Pan-Africanism will help us to understand the grand debate. But it is also appropriate to question whether the Union Government of Africa Project will be built on a solid enough foundation to realise the aspirations of Pan-Africanism and improve the wellbeing of Africans on the continent and in the diaspora. The past in this sense is influencing the present: it remains to be seen whether it will ultimately inform the future.

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About this paper

If successful, the evolution of the African Union (AU) into a Union Government of Africa or the United States of Africa would represent the further institutionalisation of Pan-Africanism. This paper assesses how the notion of Pan-Africanism was first institutionalised as the Organisation of African Unity (OAU) and then the AU. It provides an analysis of the extent to which the AU has transformed its values and principles into practical policies and initiatives. It also assesses how the AU has implemented its principles of peace, development and governance, through its peace and security architecture; the New Partnership for Africa's Development (Nepad); and the African Peer Review Mechanism (APRM). The paper concludes that the potential establishment of the Union Government would represent the next phase in the institutionalisation of Pan-Africanism.

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