

GLOBAL INSTITUTIONS



**AFRICAN
UNION**



The African Union

Challenges of globalization, security, and governance

**Samuel M. Makinda
and F. Wafula Okumu**

... IN THIS NEW FRONTIER TO TAKE YOU THERE,
WHERE ALL YOUR PEOPLES SHALL WORK IN UNION
WE AS TO ESTABLISH THE FRODOBAG, AND

The African Union

The African Union is an organization with ambitious objectives and principles of integrating Africa. Its creation in 2002 was a reaction to global challenges that called for concerted and serious efforts to improve the livelihoods of the African people through the promotion of peace, good governance, respect for human rights and the rule of law, and gender equality. Using a groundbreaking approach, this book argues that globalization, security, and governance are interrelated. To benefit from this interrelationship, African states need to build viable institutions and invest adequately in knowledge and innovations. The book argues that the lack of a clear African approach to building and sustaining institutions has led to the creation of structures that impede, rather than accelerate, development, democratization, and the promotion of justice.

This is a valuable book for students, teachers, researchers, diplomats, civil society organizations, African policy makers, and anyone interested in the future of Africa.

Samuel M. Makinda is Professor of Security Studies and International Relations at Murdoch University, Perth, Australia.

F. Wafula Okumu is the Head of African Security Analysis Programme at the Institute for Security Studies (ISS) in Pretoria, South Africa.

Routledge Global Institutions

Edited by Thomas G. Weiss

The CUNY Graduate Center, New York, USA

and Rorden Wilkinson

University of Manchester, UK

About the Series

The Global Institutions Series is designed to provide readers with comprehensive, accessible, and informative guides to the history, structure, and activities of key international organizations. Every volume stands on its own as a thorough and insightful treatment of a particular topic, but the series as a whole contributes to a coherent and complementary portrait of the phenomenon of global institutions at the dawn of the millennium.

Books are written by recognized experts, conform to a similar structure, and cover a range of themes and debates common to the series. These areas of shared concern include the general purpose and rationale for organizations, developments over time, membership, structure, decision-making procedures, and key functions. Moreover, current debates are placed in historical perspective alongside informed analysis and critique. Each book also contains an annotated bibliography and guide to electronic information as well as any annexes appropriate to the subject matter at hand.

The volumes currently published or under contract include:

The United Nations and Human Rights (2005)

A guide for a new era

by Julie Mertus (American University)

The UN Secretary General and Secretariat (2005)

by Leon Gordenker (Princeton University)

United Nations Global Conferences (2005)

by Michael G. Schechter (Michigan State University)

The UN General Assembly (2005)

by M.J. Peterson (University of Massachusetts, Amherst)

Internal Displacement (2006)

Conceptualization and its consequences

by Thomas G. Weiss (The CUNY Graduate Center) and David A. Korn

Global Environmental Institutions (2006)

by Elizabeth R. DeSombre (Wellesley College)

The UN Security Council (2006)
Practice and promise
by Edward C. Luck (Columbia University)

The World Intellectual Property Organization (2006)
Resurgence and the development agenda
by Chris May (University of Lancaster)

The North Atlantic Treaty Organization (2007)
The enduring alliance
by Julian Lindley-French (European Union Centre for Security Studies)

The International Monetary Fund (2007)
Politics of conditional lending
by James Raymond Vreeland (Yale University)

The Group of 7/8 (2007)
by Hugo Dobson (University of Sheffield)

The World Economic Forum (2007)
A multi-stakeholder approach to global governance
by Geoffrey Allen Pigman (Bennington College)

The International Committee of the Red Cross (2007)
A neutral humanitarian actor
by David Forsythe (University of Nebraska) and Barbara Ann Rieffer-Flanagan (Central Washington University)

The Organization for Security and Co-operation in Europe (2007)
by David J. Galbreath (University of Aberdeen)

United Nations Conference on Trade and Development (UNCTAD) (2007)
by Ian Taylor (University of St. Andrews) and Karen Smith (University of Stellenbosch)

A Crisis of Global Institutions? (2007)
Multilateralism and international security
by Edward Newman (United Nations University)

The World Trade Organization (2007)
Law, economics, and politics
by Bernard Hoekman (World Bank) and Petros Mavroidis (Columbia University)

The African Union (2008)
Challenges of globalization, security and governance
by Samuel M. Makinda (Murdoch University) and F. Wafila Okumu (Institute for Security Studies)

Commonwealth (2008)
Inter- and non-state contributions to global governance
by Timothy M. Shaw (Royal Roads University and University of the West Indies)

The European Union (2008)
by Clive Archer (Manchester Metropolitan University)

The World Bank (2008)
From reconstruction to development to equity
by Katherine Marshall (Georgetown University)

Contemporary Human Rights Ideas
by Bertrand G. Ramcharan (Geneva Graduate Institute of International Studies)

Institutions of the Global South

An analysis

by *Jacqueline Anne Braveboy-Wagner*
(*City College of New York*)

**Organisation for Economic
Co-operation and Development**

by *Richard Woodward* (*University of
Hull*)

**Non-Governmental Organizations in
Global Politics**

by *Peter Willetts* (*City University,
London*)

The International Labour Organization

by *Steve Hughes* (*University of
Newcastle*) and *Nigel Haworth*
(*The University of Auckland
Business School*)

UNHCR

The politics and practice of refugee
protection into the twenty-first
century

by *Gil Loescher* (*University of
Oxford*), *James Milner* (*University
of Oxford*), and *Alexander Betts*
(*University of Oxford*)

The World Health Organization

by *Kelley Lee* (*London School of
Hygiene and Tropical Medicine*)

Internet Governance

The new frontier of global institutions
by *John Mathiason* (*Syracuse
University*)

**The International Organization for
Standardization and the Global
Economy**

Setting standards

by *Craig Murphy* (*Wellesley College*)
and *JoAnne Yates* (*Massachusetts
Institute of Technology*)

The International Olympic Committee

by *Jean-Loup Chappelet* (*IDHEAP
Swiss Graduate School of Public
Administration*) and
Brenda Kübler-Mabbott

Shaping the Humanitarian World

by *Peter Walker* (*Tufts University*)
and *Daniel G. Maxwell* (*Tufts
University*)

**Global Institutions and the HIV/
AIDS Epidemic**

Responding to an international crisis
by *Franklyn Lisk* (*University of
Warwick*)

**Global Food and Agricultural
Institutions**

by *John Shaw*

For further information regarding the series, please contact:

Craig Fowlie, Publisher, Politics & International Studies
Taylor & Francis
2 Park Square, Milton Park, Abingdon
Oxford OX14 4RN, UK

+44 (0)207 842 2057 Tel
+44 (0)207 842 2302 Fax

Craig.Fowlie@tandf.co.uk
www.routledge.com

The African Union

Challenges of globalization, security,
and governance

**Samuel M. Makinda and
F. Wafula Okumu**

 **Routledge**
Taylor & Francis Group

LONDON AND NEW YORK

First published 2008 by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
270 Madison Avenue, New York, NY 10016

This edition published in the Taylor & Francis e-Library, 2007.

“To purchase your own copy of this or any of Taylor & Francis or Routledge’s collection of thousands of eBooks please go to www.eBookstore.tandf.co.uk.”

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2008 Samuel M. Makinda and F. Wafula Okumu

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Makinda, Samuel M.

The African Union : challenges of globalization, security, and governance / Samuel M. Makinda and F. Wafula Okumu.

p. cm.—(Routledge global institutions; 19)

Includes bibliographical references and index.

1. African Union. 2. Globalization—Africa. 3. National security—Africa. 4. Africa—Politics and government—1960- I. Okumu, F. Wafula. II. Title.

DT30.5.M257 2007

341.24’9—dc22

2007016949

ISBN 0-203-94011-3 Master e-book ISBN

ISBN 978-0-415-40350-4 (hbk)

ISBN 978-0-415-40349-8 (pbk)

ISBN 978-0-203-94011-2 (ebk)

For Isabella and Caroline

Contents

<i>List of figures</i>	x
<i>Foreword</i>	xi
<i>Acknowledgments</i>	xv
<i>List of abbreviations</i>	xvi
Introduction	1
1 The Organization of African Unity and mutual preservation	11
2 The African Union: meeting the challenge of globalization	28
3 Governance, democracy, and the rule of law	58
4 Security and peace building	75
5 Knowledge and development	94
6 Challenges of globalization, security, and governance	114
<i>Appendixes</i>	122
<i>Notes</i>	186
<i>Select bibliography</i>	197
<i>Index</i>	202

Figures

I.1	Symbiotic relations between globalization, security, and governance	2
2.1	Organs of the African Union	41
2.2	Structure of the African Union Commission	50
2.3	The proliferation of African Regional Economic Communities	54
4.1	The African Union peace and security organs	88
4.2	The African Union peace and security architecture	90

Foreword

The current volume is the eighteenth in a dynamic series on “global institutions.” The series strives (and, based on the volumes published to date, succeeds) to provide readers with insightful guidance to the most visible aspects of what we know as “global governance.” Remarkable as it may seem, there exist relatively few books that offer in-depth treatments of prominent global bodies and processes, much less an entire series of concise and complementary volumes. Those that do exist are either out of date, inaccessible to the non-specialist reader, or seek to develop a specialized understanding of particular aspects of an institution or process rather than offer an overall account of its functioning. Similarly, existing books have often been written in highly technical language or have been crafted “in-house” and are notoriously self-serving and narrow.

The advent of electronic media has helped by making information, documents, and resolutions of international organizations more widely available, but it has also complicated matters. The growing reliance on the Internet and other electronic methods of finding information about key international organizations and processes has served, ironically, to limit the educational materials to which most readers have ready access—namely, books. Public-relations documents, raw data, and loosely refereed web sites do not make for intelligent analysis. Official publications compete with a vast amount of electronically available information, much of which is suspect because of its ideological or self-promoting slant. Paradoxically, a growing range of purportedly independent web sites offering analyses of the activities of particular organizations has emerged, but one inadvertent consequence has been to frustrate access to basic, authoritative, critical, and well-researched texts. The market for such has actually been reduced by the ready availability of varying quality electronic materials.

For those of us who teach, research, and attempt to make a difference in the arena, such limited access to information has been at best frustrating. We were delighted when Routledge saw the value of a series that bucks this trend and provides key reference points to the most significant global institutions and issues. They are betting that serious students and professionals will want serious analyses. We have assembled a first-rate line-up of authors to address that market. Our intention, then, is to provide one-stop shopping for all readers—students (both undergraduate and postgraduate), interested negotiators, diplomats, practitioners from nongovernmental and intergovernmental organizations, and interested parties alike—seeking information about most prominent institutional aspects of global governance.

The African Union

Too little informed and critical literature exists about international organizations of the developing world. Indeed, two of the handful of existing titles actually appear in this series (Ian Taylor and Karen Smith's *UN Conference on Trade and Development* and Jacqueline Braveboy-Wagner's *Institutions of the Global South*). Fewer works still discuss African institutional attempts to address Africa's problems, with almost none being dedicated entirely to the most significant, continent-wide institutions. Discussions usually center on regional organizations such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), and the Common Market of Eastern and Southern Africa (COMESA), as well as pressure for the creation of Economic Partnership Agreements (EPAs) arising from the Cotonou Agreement (between the European Union and the African, Caribbean and Pacific states), or they focus on the well-known woes of the Organization of African Unity (OAU, the African Union's predecessor), or Africa's role in the Non-Aligned Movement (NAM) and the Group of 77 (G77).

The current book, then, is unusual in that it offers an in-depth treatment of a, perhaps the, major African institution. Samuel Makinda and Wafula Okumu's offering is the first truly independent overview of the African Union (AU), which was created in 2002 and took over the mantle from the OAU. While the two are similar in that they aspire to be Africa's organization, they are founded upon and reflect quite different ideological principles and learning since the OAU began operations in Addis Ababa in 1963. Like all organizations, the OAU clearly reflected the politics of an earlier era—to promote the

liberation of Africa from the vestiges of European imperialism and to foster the continent's integration under the banner of pan-Africanism.

The AU in contrast is a creature of the post-Cold War era. It aspires to promote market-oriented developments across the continent; replace corruption with good governance; and, enhance the security of Africa's people. The earlier defensiveness—reflecting an unease about appearing to side with the former “enemy” in the form of Western powers—about avoiding any criticism of neighboring countries' performance, however aberrant, has begun to give way to a willingness to engage in both economic and political analyses about what works and what does not, about what is good for the continent and its citizens, not only its leaders.

We were anxious when we conceived the series to correct the dearth of works dealing with African institutions by attracting authors of the highest caliber and integrity to write about the African Union's first half-decade and its future. We were not disappointed. We were delighted when Sam Makinda accepted our invitation and then asked Wafula Okumu to join him to put together this authoritative book. Two better qualified authors to write about Africa and its politics we could not have hoped to find. Makinda is Professor of Politics and International Studies at Murdoch University, Australia. He was 2001 Distinguished Lecturer for the United Nations University Institute for National Resources in Africa and has held visiting positions at the University of Oxford, the University of Cambridge, the Australian National University, Flinders University, and the Centre for International and Strategic Studies in Jakarta; and, he has published extensively on issues relating to international relations, international organization, Africa in the world, human rights, and security. Okumu is currently Head of the African Security Analysis Programme at the Institute for Strategic Studies in Pretoria, South Africa. He has held faculty positions at McMaster University, the United Nations University, Chapman University, Mississippi University for Women, and Prescott College; he was previously a political analyst at the African Union and brings that first-hand knowledge with him to this writing assignment.

What follows is a compellingly researched presentation into the creation and operation of, as well as the prospects for, the African Union. The insights from Makinda and Okumu will help inform scholarly and policy debate on and about the continent. The authors, correctly in our view, do not shy away from presenting the fledgling institution, warts and all. The accomplishments and shortcomings of this ongoing experiment in regional cooperation are a necessary

building block to improve African security and development. This volume plugs a gaping hole in the literature on international organizations and should be read by anyone interested in global governance. As always, comments and suggestions from readers are welcome.

Thomas G. Weiss, The CUNY Graduate Center, New York, USA
Rorden Wilkinson, University of Manchester, UK
October 2007

Acknowledgments

In the course of writing this book, we incurred substantial debts to several people. We are particularly indebted to Thomas G. Weiss and Rorden Wilkinson for their encouragement, patience, and incisive comments on an earlier draft of this book. We are also grateful to Martin Ewi, David Mickler, and Rajat Ganguly for reading the entire manuscript and making very useful comments. Lindsay Hughes cheerfully provided research assistance while Cheryl Miller and Anne McBride gave timely administrative assistance. We would also like to express our gratitude to our respective employers, Murdoch University and the Institute for Security Studies, for supporting this book project. Needless to say, any errors are our own.

Abbreviations

ACHPR	African Commission on Human and People's Rights
AEC	African Economic Community
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
APRM	African Peer Review Mechanism
ASF	African Standby Force
AU	African Union
CADSP	Common African Defence and Security Policy
CEN-SAD	Communauté des États Sahelo-Sahariens (Community of Sahel-Saharan States)
CEWS	Continental Early Warning System
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
EAC	East African Community
ECA	(UN) Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECOSOCC	Economic, Social, and Cultural Council
ECOWAS	Economic Community of Western African States
EU	European Union
FIS	Front Islamique du Salut (Islamic Salvation Front).
G8	Group of Eight
GDP	Gross Domestic Product
GIA	Groupement Islamique Armé (Armed Islamic Group)
ICT	Information and Communications Technology
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
ISS	Institute for Security Studies
NEPAD	New Partnership for Africa's Development
NGO	nongovernmental organization
NPT	Non-Proliferation Treaty

OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development
PAP	Pan African Parliament
PRC	Permanent Representative Committee
PSC	Peace and Security Council
PSD	Peace and Security Department (of the AU Commission)
PSO	Peace Support Operation
RECs	Regional Economic Communities
RM	Regional Mechanism
SADC	Southern African Development Community
UMA	Union of Arab Maghreb
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization

Introduction

An important aspect of Pan-Africanism is the revival and development of the “African Personality,” temporarily submerged during the colonial period. It finds expression in a re-awakening consciousness among Africans and peoples of African descent of the bonds which unite us—our historical past, our culture, our common experience, and our aspirations.¹

The aim of this book is to explore the capacity of the African Union (AU) to meet the challenges of building and sustaining good governance structures and security mechanisms in a rapidly globalizing world. Thus, the impact of the complex relationships between globalization, security, and governance on the Union and its member states is at the center of this work. Our questions and investigations are limited to the emergence and performance of the AU. What factors led to the rejection of the Organization of African Unity (OAU) and the emergence of the AU? What has the AU achieved in the domains of security and governance since its inception in 2002? In what ways, if any, has globalization affected the performance of the AU? In what ways could governance structures be designed to manage globalization more effectively and enhance African security? This book’s argument draws heavily, but not exclusively, on two articles in the AU’s Constitutive Act, Article 3 on objectives and Article 4 on principles, which appear to have the potential for emancipation and empowerment.

The principal claim of this book is that the AU can fulfill its broad mandate only if it capitalizes on the complex relations or dynamic tension between globalization, security, and governance. These three variables have symbiotic relationships (see Figure I.1). Two or more variables are in a symbiotic relationship if they depend on each other for existence or exist together in a way that benefits both or all of them. For example, globalization in Africa can disrupt identity,² exacerbate socio-economic differences and, thereby, threaten security and undermine

2 Introduction

good governance. However, it is also dependent on security and good governance. Good governance is a prerequisite for globalization and security, but it also relies on the same variables, without which it cannot flourish. Similarly, security in Africa might require restrictions on some aspects of globalization, but it has increasingly come to rely on good governance and the processes of globalization, especially the rapid changes in science, technology, and innovation.

The AU has been in existence for a relatively short period, having been formally launched in July 2002. Although it was built on the infrastructure of its predecessor, the OAU, which was infamous for turning a blind eye to bad governance, it is a radically different organization in several ways. Before examining in detail the achievements and challenges of these organizations, it is important that we explain the key variables that underpin public policies in Africa: globalization, security, and governance. We are conscious of the fact that each of these factors would look different if viewed through different theoretical lenses, such as constructivism, critical social theory, feminism, liberalism, Marxism or realism. In this book, we take a self-conscious eclectic approach, which allows us to utilize insights from any theoretical framework to illuminate the issues in question.³

The African dimension of globalization

As already indicated, this book is concerned with how a dynamic tension between globalization, security, and governance underpins the performance of the AU. Most scholarly accounts depict globalization as a powerful phenomenon that, among other things, undermines state sovereignty, security, governance structures, and institutions. Hence Jan Scholte's description of globalization as comprising "processes whereby social relations acquire relatively distanceless and borderless qualities, so that human lives are increasingly played out in the world as a single place."⁴ Similarly, Andrew Hurrell and Ngaire Woods suggest that



Figure 1.1 Symbiotic relations between globalization, security, and governance

globalization has been portrayed as a “process of increasing interdependence and global enmeshment which occurs as money, people, images, values, and ideas flow ever more swiftly and smoothly across national boundaries.”⁵

Such descriptions are only partially accurate. In his final report to the UN General Assembly as Secretary-General in September 2006, Kofi Annan observed that “globalization is *not* a tide that lifts all boats.”⁶ He argued that even those who benefit from globalization feel threatened by it. Annan claimed: “Even among those who the statistics tell us are benefiting, many feel deeply insecure, and strongly resent the apparent complacency of those more fortunate than themselves.”⁷

Those who live in Africa know that rather than opening their borders as a result of globalization, many developed countries have established higher barriers against would-be African migrants in recent years. Thus, as Kofi Annan has claimed, “globalization, which in theory brings us all closer together, in practice risks driving us further apart.”⁸ The images that Hurrell and Woods referred to can flow smoothly across boundaries only where information and communications technology is easily accessible, and where the power supply is reliable, which is not the case in many parts of Africa. For some Africans, globalization is a form of colonialism and neo-colonialism that were responsible for the oppression and alienation of their forebears for centuries.

In portraying globalization as a juggernaut that blows everything away, some writers have ignored the possibility that globalization exists because it maintains complex relations with elements of security and good governance. Would globalization be possible without security? Would globalization be intelligible without norms and institutions? Would globalization flourish without some form of international order? Addressing these questions would reveal that globalization in Africa, as elsewhere, is a dependent variable. Robert Keohane, who describes globalization as “the shrinkage of distance on a worldwide scale through the emergence and thickening of networks of connections,” recognizes its dependence on good governance and security when he argues: “Globalization depends on effective governance, now as in the past.”⁹ Keohane further posits: “Governance arrangements to promote cooperation and help resolve conflict must be developed if globalization is not to stall or go into reverse.”¹⁰

If globalization was taken to imply that democracy, human rights, peace, and security, in any part of the world, were the shared responsibility of all states and other agents in the world, then many of the assumptions behind globalization are not new to independent Africa. Former Ghanaian President Kwame Nkrumah, who was a despot, did

4 *Introduction*

not use the term globalization, but he canvassed the ideas behind it long before the Cold War ended. Whenever Nkrumah talked of the “African personality” playing a role on the world stage, he argued that freedom, human rights, and peace were global entitlements, which were indivisible. Having declared in the early 1960s that the liberation of the remaining colonial territories in Africa was the responsibility of every African person, Nkrumah insisted that freedom anywhere could be meaningful only if the whole world was free and at peace. He advanced the idea that security and freedom were universal, global, and indivisible. Nkrumah asserted: “World peace is not possible without the complete liquidation of colonialism and the total liberation of peoples everywhere. The indivisibility of peace is staked upon the indivisibility of freedom.”¹¹ In doing so, Nkrumah postulated that it was the responsibility of every state in the world to champion the causes of peace and freedom. It was for this reason that one of us claimed in 1976 that through the African personality, Nkrumah attempted the “globalisation of the liberation strategy.”¹²

The term globalization is used in this book to refer to intense, broad, and rapid interactions within the political, technological, economic, social, and cultural domains. Globalization comprises multi-layered and multi-dimensional processes, most of which are derived from Western, and especially capitalist, values. These processes have been driven by the revolution in the technology of transport and communications. Globalization is also associated with universalization, harmonization, and homogeneity, which often reflect hegemonic Western ideas and interests. Partly due to globalization, and especially the apparent perception that all governments have to be accountable in particular ways, there are no genuine alternative approaches to liberal democracy and good governance. While we support liberal democracy and good governance, we question the way they have been promoted and implemented in some parts of Africa. Moreover, many of the “global” values, standards, and rules that are promoted under globalization were not arrived at through consensus in international society; they are values, standards, and rules derived from the West. In this context, globalization helps the forces that marginalize some African values, standards, and traditions. However, through science, technology, and innovations, globalization has provided opportunities for African states and people to try to overcome some of the obstacles to their progress.

While some analysts believe that globalization has eclipsed the power of the state domestically and internationally, others argue that globalization has been created and maintained by states. Essentially,

globalization is a restructuring process that cannot be ignored by state officials.¹³ It is not the aim of this book to argue the pros and cons of globalization, but to explore how the AU might utilize the dynamic tension between globalization, security, and governance as a catalyst to pursue its objectives and principles.

The African dimension of security

In one sense, security implies boundaries, both real and metaphorical, and these boundaries are, in turn, about identity and interests. Analysts differ over what identity issues and interests are to be secured. Should these be individuals, nations, socio-economic classes, states or ethnic communities? What should African states and people aim to secure? What role does the AU play in securing these objects? What roles do globalization and governance structures play in the construction and management of security in Africa?

In the twenty-first century, good governance, propelled by globalization, has evolved to the point at which public policies are increasingly becoming people-centered. This implies that security policies have to be defined in terms of the aspirations, needs, and dignity of the people. Accordingly, security should be viewed as people-centered, and whether states achieve, undermine, or are irrelevant to security is an open question, depending on time and place.¹⁴ Therefore, security in Africa, viewed in terms of identity and interests, should be regarded as the protection of people and the preservation of their norms, rules, institutions, and resources, in the face of military and non-military threats. The latter may include natural disasters, ecological and environmental degradation, poverty, severe economic problems, human rights abuses, and the erosion of democratic rule. Ken Booth goes further and equates security with emancipation.¹⁵

Our definition avoids the binary division between national security and human security. It is broad enough to include the preservation of states and the structures, principles, and institutions on which states are anchored, but only to the extent that protection of state boundaries and the governing structures and elites is not privileged over people. This definition also assumes that people are prior to states, and, therefore, the security of the state is derived from that of the people. However, defining security in terms of people also raises significant questions about gender, which space does not allow us to explore here.

This book is partly concerned with how the AU can “promote peace, security and stability on the continent” (Article 3[f]) by using

6 Introduction

globalization and good governance. The dynamic tension between globalization, security, and governance dictates that we occasionally isolate particular security issues and explore how globalization and governance affect them. For example, providing solutions to the Darfur crisis, which is a *security* problem, would require negotiations among various parties, such as the UN, the AU, the Sudanese government, and representatives of the parties within Darfur, which are *governance* entities and structures. It would also require the support of various international actors, such as the European Union (EU), which is a reflection of the impact of globalization. Furthermore, the issues, over which the parties negotiate, such as human rights, self-determination, autonomy, and access to food, shelter, education, and health facilities, are *interests* that are continually recast by globalization. If some of the parties were found to have committed war crimes or crimes against humanity, they would probably be prosecuted through the International Criminal Court, which is a governance structure. Good governance appears to be so essential that it is plausible to argue that security is achievable in Africa only where governance structures are stable, effective, and designed to meet the people's needs, rights, and hopes.

The African dimension of governance

Governance occurs at various levels of social activity, from the village or local council, to the state and the global system. Whenever human beings or social groups interact for extended periods, they establish a set of rules, norms, and institutions. These rules, norms, and institutions constitute governance and may perform diverse functions, but they are particularly significant for providing order, certainty, and stability as perceived by the most powerful agents. In Africa, governance stretches from villages and local councils in such places as Ghana, Namibia and Tunisia, to Regional Economic Communities (RECs) and the AU, and it involves states as well as non-state agents. This is why the Commission on Global Governance, which comprised a cross section of people from around the world, including five Africans, defined governance as “the sum of the many ways individuals and institutions, public and private, manage their common affairs.”¹⁶

The challenge for African states and the AU is how to work out a formula for deconstructing the norms, rules, and institutions that embed good governance and security so that they accurately reflect the intentions of those who drafted the Constitutive Act of the Union. Article 1 of the Constitutive Act provides some definitions, but it appears to take for granted the meanings of important institutions

and issues, such as sovereignty and self-determination. Although the Constitutive Act recognizes the importance of good governance and lists it in its objectives and guiding principles, it was not until 2007 that the AU Assembly adopted the “Charter on Democracy, Elections and Governance.” As this book explores how the dynamic tension between globalization, security, and governance impacts on the capacity of the AU to fulfill its mandate, it is imperative that we redefine the institutions¹⁷ that embed good governance and security.

So, what are institutions? Many people, including journalists, academics, and policy makers, have used the term “institution” to refer to two different phenomena: enduring and shared practices; and international organizations. For example, in his annual report to the UN General Assembly on September 19, 2006, Kofi Annan referred to the UN as an “institution.”¹⁸ Annan used the term institution to mean an international organization with its own charter, mission, personnel and budget. Six decades earlier, US Senator Arthur Vandenberg, in his report to the Senate on the San Francisco conference that established the UN, used the term “institution” to describe two phenomena. He described the UN as an “institution which can promise some element of orderly correction” in a world ruined by war.¹⁹ However, in the same report, he referred to “the new emphasis which is put upon international law as an institution for human service.”²⁰

To provide a basis for consistency in the way this book employs the term “institution,” it is important that we explain its different meanings at the outset. Keohane defines institutions as “related complexes of rules and norms, identifiable in space and time.”²¹ He argues that institutions are “persistent sets of rules that constrain activity, shape expectations, and prescribe roles.”²² Similarly, Hedley Bull defines an institution as “a set of habits and practices shaped towards the realization of common goals.”²³ He views institutions as “an expression of the element of collaboration among states in discharging their political functions—and at the same time a means of sustaining this collaboration.”²⁴ According to Bull, institutions include the balance of power, international law, diplomacy, war, and the managerial system of the great powers. John Mearsheimer also claims that an institution is “a set of rules that stipulate the ways in which states should cooperate or compete with each other.”²⁵ However, he differs with Bull when he argues: “These rules are typically formalized in international agreements, and are usually embodied in organizations with their own personnel and budgets.”²⁶

The above authors define institutions in two senses. In the first sense, institutions are “stable sets of norms, rules, and principles” that

8 Introduction

“constitute actors as knowledgeable social agents” and “regulate behaviour.”²⁷ Thus, several variables that underpin the AU, such as state sovereignty, diplomacy, international law, and multilateralism, are institutions. These habits and practices have been described as *primary* institutions.²⁸

In the second sense, the term “institution” refers to formal organizations like the AU, the East African Community (EAC), the Economic Community of Western African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC), and the Union of Arab Maghreb (UMA). However, Bull excludes these organizations by arguing: “By an institution we do not necessarily imply an organization or administrative machinery.”²⁹ These organizations have been described as *secondary* institutions.³⁰

In this book, the AU is discussed mainly as an organization and not as an institution. Similarly, entities such as the UN, the EU, the World Bank, the OAU, and ECOWAS are called international organizations, not institutions. And entities internal to the AU, such as the Assembly, the Executive Council, the Peace and Security Council, the Commission, and the Pan African Parliament, are referred to as organs. The term “institution” is used in a limited sense to refer to established practices such as constitutionalism,³¹ democracy, diplomacy, international law, multilateralism, religion, the rule of law, and state sovereignty. These institutions, in turn, shape the identities and interests of individuals, societies, states, and organizations.

While these institutions are often described as shared understandings among states and other international agents, grasping their true character calls for several qualifications. First, there is no unanimity in the way that states and other international agents, including African countries, interpret institutions such as state sovereignty and international law. Instead, there is continuous contestation about their meanings, status, and roles. Second, power and interests play important roles in generating, shaping, and implementing institutions. It is the preferences of hegemonic states, especially Western powers in the current international climate, which determine the shape of institutions. This is why Samuel Huntington has claimed: “The West in effect is using international [organizations], military power and economic resources to run the world in ways that will maintain Western predominance, protect Western interests and promote Western political and economic values.”³² At the continental level, it is regional great powers, such as Nigeria and South Africa, which dominate the debates

on how institutions should be interpreted and implemented at a particular time.

The role of power in the interpretation of institutions implies that existing global institutions may not reflect the values, preferences, and standards of African states and people. Even international law is, to some extent, culturally biased. Both the structures of international law making and the content of the rules of international law privilege Westerners and reflect the interests and identities of Western societies. Whether these institutions can be reinterpreted to reflect African values and norms will partly depend on how African states and the AU exploit the dynamic tension between globalization, security, and governance.

Structure of the book

To elaborate the principal claim stated earlier, this book explores various themes, including the impact of colonialism, the imperative for liberation, the fascination with Pan-Africanism, the needs for effective and transparent governance, the role of identity, the nature of war and insecurity, and the debates on knowledge, gender, and development. These themes are examined through six chapters.

Chapter 1 examines the aspirations, power struggles, and fears that surrounded the emergence of the OAU. It looks at how the establishment of the OAU was underpinned by the imperative of liberation and the desire for integration. This chapter also explains how the power struggles and fears, in turn, transformed the organization into a mutual protection club that was unsuitable for the post-Cold War and post-liberation climate. Chapter 2 focuses on the post-Cold War conditions that led to the establishment of the AU. While the OAU was driven by the desire for liberation and integration, the post-liberation AU was fueled by a different set of factors, including globalization, the neo-liberal economic ideology, the changing perspectives on security, and good governance. This chapter examines the structure and processes of the AU since its creation in 2002.

Chapter 3 analyzes the challenges of good governance, democracy, and the rule of law. It also examines the effects of corruption on governance and discusses options for overcoming the constraints that African leaders face. Chapter 4 focuses on the AU's capacity for conflict management, peace building, and security. As security in Africa has been internationalized and the AU is heavily dependent on international society to fund its activities, this chapter explores how the AU might enhance its capacity in this area. Chapter 5 explores the

10 *Introduction*

role of knowledge, especially new ideas and innovations, in the AU's efforts to enhance governance and security. It examines the measures that the AU should undertake in order to promote the generation of appropriate knowledge for development. Chapter 6 explores the AU's options for addressing the challenges that Africa faces in building and sustaining security and good governance.

1 The Organization of African Unity and mutual preservation

The Organization of African Unity (OAU) was established in Addis Ababa, Ethiopia, on May 25, 1963 by the political leaders of 31 African countries. Identity issues and interests, namely liberation and integration, drove the organization's primary goals. Its main interest was the liberation of white-ruled Africa, especially southern Africa. The creation of the organization was a major achievement in terms of identity.

One of the foremost advocates of African unity on the basis of identity, that is, with a view to promoting Pan-Africanism and the African personality, was Kwame Nkrumah. Nkrumah told the All-African People's Conference in Accra in 1958 that Pan-Africanism could be considered to have four main stages: national independence, national consolidation, transnational unity and community, and economic and social reconstruction. However, owing to the emerging ideological and power struggles between newly independent African states in the early 1960s, the OAU did not embrace much of what Nkrumah articulated.

Another important development that helped to shape the political atmosphere during the launching of the OAU was the military coup in Togo and the subsequent death of the country's first president, Sylvanus Olympio, in January 1963. Some African leaders and the Western press blamed Olympio's death on Nkrumah. Olympio's death had the effect not only of slowing down Nkrumah's campaign, but also of focusing attention on the fear of political assassinations.

So, at the creation of the OAU, two issues exercised the minds of its founders: power struggles and the fear of political uncertainty. There were power struggles between Nigeria and Ghana, which were transformed into competing sub-regional blocs. Over the years, power struggles within the OAU took various forms and involved different countries. The issue of fear was turned into an obsession for protection. The OAU subsequently sought to preserve at least three issues: state

boundaries that had been established by colonialism; the territorial integrity and sovereignty of each state, which meant non-interference in the internal affairs of other states even when their leaders butchered their own people; and heads of state who felt threatened not just by internal insurgencies, but also by legitimate opposition groups.

Thus, the OAU often behaved like a mutual preservation club. The only instances where the OAU authorized interference in the internal affairs of other states was in respect to the white minority regimes in southern Africa: Angola and Mozambique until 1975; Zimbabwe (Rhodesia) until 1980; Namibia until 1989; and South Africa until the early 1990s. As South Africa was the most powerful of these countries, its destabilization and diplomatic overtures towards independent Africa, especially in the 1970s and 1980s, were monitored closely. The shadow of apartheid South Africa was behind most of the OAU activities in relation to the strategy of liberation. In an indirect way, apartheid South Africa appeared like an uninvited guest, helping to initiate and shape the debates within the OAU.

How did the OAU utilize the dynamic tension between globalization, security, and governance? The term “globalization” was not in vogue until the 1980s. However, Nkrumah debated the issues of liberation, freedom, and peace within a global context. The majority of African political leaders did not embrace Nkrumah’s globalist schemes because they feared that he had an ambition to rule the entire continent. Nkrumah insisted that he was “prepared to serve in a political union of free African states under any African leader who [was] able to offer the proper guidance,” but his peers did not believe he was genuine.¹

Security was a major concern for the founders of the OAU, but they viewed it primarily in terms of state interests, especially territorial integrity, state sovereignty, and the protection of state boundaries. For this reason, they rejected Nkrumah’s assertion that there was “no security for African states unless African leaders . . . realised beyond all doubt that salvation for Africa [lay] in unity.”² Moreover, the OAU, like the rest of the world, did not draw a link between insecurity and bad governance until the 1990s. In some cases, the security that African leaders sought for themselves merely contributed to the insecurity of their people.

Governance in Africa was also viewed in statist terms, with the assumption that it was an internal matter in which outside intervention was unwelcome. Without the modern communications technology, which includes the fax and the internet, oppression took place unnoticed by outsiders. Moreover, no distinction was made between

the interests of the political leader, the ruling party, and the state. Parliaments served merely as rubber stamps of the policies of despotic leaders. Sovereignty was assumed to reside with the ruler rather than with the people. In these circumstances, governments routinely violated human rights, political leaders frequently ignored the rule of law, and the OAU often defended them.

This chapter is divided into three parts. The first looks briefly at the colonial setting and explains why and how colonial policies indirectly gave rise to Pan-Africanism. The second discusses briefly the pan-Africanist movement and its twin goals of liberation and integration. The third explains the statist nature of the OAU, especially with regard to state boundaries, sovereignty and non-intervention, and the neglect of human rights.

The colonial setting

This section is concerned not with colonialism per se, but with the role that the colonial policies played in the generation of Pan-Africanism, which, in turn, led to the creation of the OAU. There were three key processes or activities through which colonialism helped the pan-African cause: collective humiliation, the foundation for modern political communities, and the universalization of European values.

Collective humiliation

Colonialism's humiliation of black people and its attempts to undermine their cultures helped to give them an identity. This identity, in turn, demanded that they unite if they were to have any chance of getting rid of foreign occupation. Therefore, the interests in liberation and integration were closely tied to identity.

The humiliation of Africans took various forms. In some parts of Africa, the taking away of land and its appropriation for use by white settlers was a humiliation and an insult. It dislocated many Africans, some of whom abandoned ancestral burial grounds in order to make way for Europeans and their projects. Land dispossession was felt most deeply in settler colonies like Kenya, South Africa, and Zimbabwe.

The introduction of European systems of education brought enormous benefits to Africans. However, education was part of the effort to transplant European cultures into Africa. This was accompanied by colonial attempts to discourage certain African cultural practices, with the result that Africans were alienated from some of their roots.

Colonial education was also used to deny Africans a history, but not a past. For example, the Regius Professor of History at Oxford, Hugh Trevor Roper, whose word carried weight in the British colonial office, argued in the early 1960s that there was no such a thing as African history except “the unedifying gyrations of barbarous tribes.”³ He claimed: “There is only the history of Europeans in Africa. The rest is darkness and darkness is not a subject of history.”⁴ These efforts to deny Africans a history cut across ethnic boundaries and made Africans aware of themselves as victims because of their color. In the end, colonialism constructed the consciousness of “Africanness.” The subsequent search for identity and the invention of concepts such as the African personality, negritude, and African renaissance emanated from this sense of cultural humiliation. These concepts were designed to restore dignity to black Africans and provided the intellectual base of Pan-Africanism.

Edward Blyden made the earliest recorded efforts in this search for an African identity in a speech at Freetown, Sierra Leone, in 1893:

Honour and love your race. Be yourselves ... If you are not yourself, if you surrender your personality, you have nothing to give the world. You have no pleasure, no use, nothing which can attract and charm men, for by the suppression of your individuality, you lose your distinctive character.⁵

The African personality, negritude and African renaissance were, in part, based on the consciousness of possessing a commonly shared historical experience. African leaders used them in an attempt to assert the resilience of traditional African values.

However, African researchers have explained the cultural influence of colonialism from different angles. For example, Ali Mazrui’s concept of Africa’s triple heritage does not just focus on the humiliating aspects of colonialism. Instead, it suggests that colonialism added another dimension to Africa’s identity. Mazrui claims that the present day Africa is a product of three cultures: indigenous African, Islamic, and Western.⁶ Through the concept of the triple heritage, Mazrui sought to express three types of relationships. These were the relationships between: African civilizations and Western cultures; Islamic values and African civilizations; and Islamic and Western civilizations. He believed that these three-dimensional relationships were crucial to understanding much of the African story. By exploring Africa’s triple heritage, Mazrui hoped to broaden the understanding of Africa’s colonial past.

Foundation for modern political communities

Colonialism also established the foundation for the formation of modern nation-states out of various African ethnic groups. A former Tanzanian President, Julius Nyerere, argued that Africans, as a self-conscious group, were constructed by colonialism. Mazrui cites Nyerere, who claimed that the “sentiment of Africa” is “something which came from outside.” Nyerere posited: “One need not go into the history of colonisation of Africa, but that colonisation had one significant result. A sentiment was created on the African continent—a sentiment of oneness.”⁷ Without colonialism, the Ewe, Yoruba, Kikuyu, and Chagga, among others, would have maintained their ethnic identities, but they would not have become Ghanaians, Nigerians, Kenyans or Tanzanians, respectively. Adu Boahen has acknowledged that the construction of the modern state to replace “the existing innumerable lineage and clan groups, city-states, kingdoms and empires without any fixed boundaries,” was a positive development.⁸ Therefore, state-based nationalism, which is a form of identity, was also constructed by colonialism. State-based nationalism was both an aid and a hindrance to continental unity.

Colonialism did not just construct the modern African state out of disparate ethnic groups. It went further and inverted the structures of some traditional societies, so that some ethnic groups that had a higher status were relegated to the bottom while those previously with lower status were elevated to the top.⁹ In some cases, it split ethnic groups into several states. For example, Somalis were split into four countries: Djibouti, Ethiopia, Kenya, and Somalia. The Si-Sotho speakers are found in Lesotho and South Africa, just as the Setswana speakers are found in Botswana and South Africa. In one case, colonialism created a smaller state within a bigger one: Lesotho, an independent state, is completely surrounded by South Africa. One of the fears that helped to shape the OAU was based on these “artificial” boundaries.

Universalization of European values

One of the achievements of colonialism was the universalization of European values. It partly did this by transplanting various European ideas, concepts, and norms, such as territorial integrity and state sovereignty, into Africa and other parts of the non-European world. Indeed, by constructing modern states, colonialism transplanted the neo-Westphalian institution of state sovereignty into Africa. We use the

term “neo-Westphalian” to underline the fact that state sovereignty has evolved and thereby acquired different characteristics since it was formalized through the treaties of Westphalia in 1648.¹⁰

By claiming that colonialism transplanted this form of sovereignty into Africa, we do not imply that Africa had no sense of sovereignty before colonialism.¹¹ The point here is that the type of sovereignty that accompanied the transition of African colonies into independent entities was an outmoded understanding of sovereignty that was shaped by the values and conditions of absolutist Europe. In the Europe that emerged after the 1648 treaties of Westphalia, political leaders commanded a lot of power because they were thought to have been ordained by God.

While African states achieved independence on the basis of the self-determination of peoples, the form of sovereignty that was promoted was designed to make African leaders behave as if God had ordained them. It was an exclusive and indivisible sovereignty vested in the political leaders, not the citizenry. It was this type of sovereignty that shaped the African leaders’ negative views towards liberal democracy and human rights. Indeed, it was this sovereignty that the OAU was determined to preserve. Neo-Westphalian sovereignty helped African leaders to bond in a mutual protection club, but it also betrayed the aspirations for self-determination, which had animated Pan-Africanism.

There are different interpretations of sovereignty, but in an attempt to demystify it, we would like to delineate three types of sovereignty. The first, *juridical* sovereignty, is based on the notion that the state has no other authority over it except that of international law. African states are members of the UN and other international organizations by virtue of their juridical sovereignty. Juridical sovereignty is conferred on the states by international society. If, for any reason, international society decides that a particular state should not remain sovereign, it can take away that state’s juridical sovereignty. Taiwan lost its juridical sovereignty in 1971 because hegemonic powers decided it was not in the interest of global security to have Taiwan as a member of the UN while China remained outside the organization. Juridical sovereignty is not without irony. For example, Taiwan is not a member of the UN, while Somalia, without the ability to govern itself, retains its juridical sovereignty and a seat in the UN, which it has not occupied for many years.

The second type of sovereignty, *empirical* sovereignty, is based on the understanding that states have the right and ability to control the people, resources, and all activities within their borders. Empirical sovereignty is not conferred on states by international society. It is

demonstrated through a country's capacity to manage its affairs. Somalia lost its empirical sovereignty in the early 1990s. Whenever states talk of their "state sovereignty," they refer to juridical or empirical sovereignty, or both. Robert Jackson has referred to state sovereignty in Africa as "negative" or quasi sovereignty because many African countries lack the empirical dimension to sovereignty.¹²

The third type of sovereignty, *popular* sovereignty, is predicated on the claim that all people are equal and entitled to fundamental freedoms, and that governments control them only with their consent.¹³ Former UN Secretary-General Kofi Annan told the General Assembly in September 1999 that by popular sovereignty he meant "the fundamental freedom of each individual, enshrined in the Charter of the UN and subsequent international treaties."¹⁴ Thus, popular sovereignty rests on the recognition of human rights. This suggests that human rights and state sovereignty need not be in antagonism: they are two sides of the same coin. As popular sovereignty is exercised only by citizens in their relationship with their rulers, it is dependent on the level of civil society and the nature of governmental structure that exists in a particular state. Popular sovereignty is about the ability of citizens to hold their governments accountable. It means that the people have the rights and the structures through which they limit the power and arbitrariness of governments. As African states achieved independence on the basis of self-determination, which is universally recognized as a collective right, it was popular sovereignty that produced African independence. However, many African leaders did not respect this side of the equation.

Colonialism, globalization, and governance

How did the colonial structures in Africa utilize the complex relations between globalization, security, and governance? While the term globalization was not used at the time, to many Africans, there are similarities between colonialism and globalization. Like colonialism, globalization has transmitted Western values to Africa, but Africa has so far had very little impact on its direction. Again, as was the situation under colonialism, the values, standards, and institutions that are promoted under globalization are considered universal. However, while the Europeans were responsible for implementing colonial programs in Africa, African states are expected to embrace globalization, tame it, and utilize it to transform their societies.

As a governance tool, colonialism provided a terrible role model for future African leaders. It laid the infrastructure for dictatorship and

authoritarianism in post-colonial Africa. In all respects, the colonial system of governance was undemocratic and racially biased, and demonstrated that political leaders did not have to be accountable to those they ruled. The colonial system of governance went against most of what is promoted under good governance. It was, therefore, not surprising that the immediate post-independence African leaders saw little value in establishing democratic and accountable systems of government. Moreover, most of the immediate post-independence security problems, including border disputes, ethnic tensions, squalid living conditions, and the marginalization of some groups, emanated from the structures that colonialism had established. Some African political leaders sought to deal with these problems at the pan-African level, but that was not to be.

Pan-Africanism: liberation and integration

The establishment of the AU may be regarded as an important step in efforts to return Pan-Africanism to its roots. Pan-Africanism started in the early 1900s as a movement of people of African descent. In the second half of the twentieth century, African governments dominated the movement and the people were excluded. Thanks to the Constitutive Act of the AU, the people are slowly being rehabilitated and Pan-Africanism is increasingly becoming a movement in which both governments and people participate to shape the continent's future.

But, what is Pan-Africanism? Like most social-science concepts, Pan-Africanism defies any precise definition. Colin Legum calls it “a belief in the uniqueness and spiritual unity of black people; and acknowledgment of their right to self-determination in Africa, and to be treated with dignity as equals in all parts of the world.”¹⁵ Legum's explanation suggests that Pan-Africanism may be seen at three levels: as part of the reconstruction of identity; as a search for human dignity and equality globally; and as a movement that would lead to self-government. In this context, Pan-Africanism was primarily about the interests and identity issues that underpinned the OAU: liberation and integration.

Liberation was tied up with the norms of self-determination and human dignity. It would also lead to sovereign statehood. This is why Nkrumah linked Pan-Africanism to identity and freedom through the concept of the African personality. He argued: “The spirit of a people can only flourish in freedom. When the liberation and unification of Africa is completed, the African personality will find full expression and be meaningfully projected.”¹⁶ Nkrumah also viewed Pan-Africanism

as a road to global power. He claimed that a divided Africa would remain weak, while a “united Africa could become one of the greatest forces for good in the world.”¹⁷

Pan-Africanism can be traced back to the struggles for racial equality and human dignity by African-Americans and the black people in the Caribbean. West Indians, like George Padmore and Marcus Garvey, and African-Americans, such as W. E. B. DuBois, were the founders of Pan-Africanism. The primary goal of these early pan-Africanists was the dignity, respect, and emancipation of the people of African descent. For example, in a series of studies such as *The Negro* (1915), *Black Reconstruction in America* (1935), and *The World and Africa* (1947), DuBois sought to achieve at least two objectives. The first was to establish a historical and cultural connection between Africa and the African diaspora. The second was to draw the world’s attention to the fact that Africans had a history, culture, and values that were equal to those of other races and must, therefore, be respected. These and similar issues were later taken up by other African, Caribbean, and African-American writers, including Frantz Fanon, Aime Cesaire, Cheik Anta Diop, C. L. R. James, Alioune Diop, and Leopold Senghor (who later became president of Senegal).

However, the liberation of Africans on the continent separated Pan-Africanism from its roots in the Caribbean and the United States. Mazrui attributes several factors to this separation. First, liberation transformed Pan-Africanism from a movement of peoples, to a movement of governments. Second, as African states became active in world politics, they found themselves increasingly dealing with the American government rather than their black compatriots within the United States. Third, African states were preoccupied with the need to create a continent-wide organization. Hence the pan-Africanist strategy of integration, which aimed to achieve continental unity, helped alienate Pan-Africanism from its Caribbean and American roots. In the course of time, the independent African states increasingly alienated Pan-Africanism from the people of Africa as well.

According to Nkrumah, identity, which was expressed in various guises, undergirded the ideas, aspirations, and ambitions that animated Pan-Africanism. Nkrumah used the term African personality not just to assert the resilience of African traditional values, but also to demonstrate to the world that Africa was committed to global peace and freedom. He, for instance, argued:

For too long in our history, Africa has spoken through the voices of others. Now what I have called the African personality in

international affairs will have a chance of making its proper impact and will let the world know it through the voices of Africa's own sons.¹⁸

In an attempt to globalize the African liberation strategy, Nkrumah called on all countries around the world to participate in the liberation of southern Africa. He argued that as long as there were people in any part of the world who had not been liberated, there could be no genuine freedom and peace in the world. He posited that the "indivisibility of peace [was] staked on the indivisibility of freedom."¹⁹ This pan-Africanist strategy of liberation was pursued by the OAU long after Nkrumah had gone. Moreover, by focusing on southern Africa, the OAU ensured that South Africa, in particular, remained on its agenda. By virtue of its apartheid policies and enormous military and economic power, South Africa (or its shadow) had a permanent presence at the OAU from the 1960s, and the OAU's anti-apartheid stance became the glue that held the organization together.

As will be demonstrated below, the OAU was a product of compromises among African nationalists who wanted to establish a united states of Africa, and those who did not want to give up their newly-acquired sovereignty.²⁰ Nkrumah expressed fear that Africa's capacity for self-rule and self-pacification would be undermined by foreign interventions. Self-pacification stems from the desire to see Africans find African solutions to their problems. The idea of self-pacification is a way of arguing that the responsibility to protect the people and states of Africa primarily rests with African states and communities. That is what lay behind the creation of the OAU.

The OAU: statist agenda

As it has been indicated above, the OAU Charter was a compromise between the African leaders who supported a union and those who sought a loose association. By blocking efforts to establish a union, those who sought a loose association won the day. The debate between the two groups demonstrated that the OAU was born out of power struggles among independent African states. In its 39-year history, the organization was driven by the same concerns that had led to the power struggles in the early 1960s, and which had strong implications for state boundaries, territorial integrity and state sovereignty. In much of its existence, the organization behaved like a protection club for the same statist values.

Initial divisions

Prior to the creation of the OAU in 1963, independent Africa was divided into three political groups: Brazzaville, Casablanca, and Monrovia. The Brazzaville group comprised 12 French-speaking states that first met in Abidjan, Cote d'Ivoire (Ivory Coast), in October 1960: Benin (formerly Dahomey), Burkina Faso (formerly Upper Volta), Cameroon, Central African Republic, Chad, Congo (Brazzaville), Cote d'Ivoire, Gabon, Madagascar (formerly Malagasy Republic), Mauritania, Niger, and Senegal. This meeting was convened by Cote d'Ivoire President Felix Houphouet-Boigny who wanted the French-speaking states to mediate in the Algerian war of independence without alienating France. Guinea, under Sekou Toure, denounced the meeting and Togo declined to attend. The same group met again in Brazzaville in December 1960. The Brazzaville group sided with France on the Algerian conflict, opposed communist intrusions into Africa, and vowed to remain on the best of terms with France. It also supported the UN policy on Congo-Kinshasa (now the Democratic Republic of Congo), at the time. This group gave the impression that it believed that African unity needed to be approached through economic cooperation, not political integration.

The Casablanca group, on the other hand, comprised eight countries that first met in the Moroccan city of Casablanca in January 1961: the Algerian provisional government, Egypt, Ghana, Guinea, Libya, Mali, and Morocco. Seven other countries were invited to the meeting, but they declined, namely: Ethiopia, Gambia, Liberia, Nigeria, Togo, Tunisia, and Sudan. None of the Brazzaville Twelve were invited to this gathering. The group adopted the "African Charter of Casablanca," which affirmed their determination "to promote the triumph of liberty all over Africa and to achieve its unity."²¹ The Casablanca group disapproved of the UN policy on Congo, especially because of the way the Prime Minister, Patrice Lumumba, was treated. The group supported the Algerian independence struggle and advocated political unity for Africa as a prerequisite for economic cooperation. This group also supported Morocco, which had laid territorial claims on Mauritania.

The type of entity envisaged by the Casablanca group was a federal government based on the mobilization of resources along socialist lines. Nkrumah insisted that for "economic unity to be effective, [it] must be accompanied by political unity." He posited that the "two are inseparable, each necessary for the future greatness of [the] continent, and the full development of [its] resources."²² Nkrumah repeatedly emphasized the socialist approach to Africa's development:

Full economic and social development in Africa can only be accomplished within the optimum zone of development, which is the entire African continent, and under the direction of an All-African Union government pursuing policies of scientific socialism. Until then, the forces of reaction will continue to block progress which threatens the basic pillars of their positions of privilege.²³

Nkrumah proposed practical ways on how a United States of Africa government would operate. He argued that the sovereignty of individual states would not be entirely relinquished, but that some of their duties, such as foreign policy, would fall under the jurisdiction of a continental government. Some African leaders saw this as a threat to the independence and territorial integrity of their states.

The Monrovia group consisted of 20 states, which attended a conference in the Liberian capital, Monrovia, in May 1961: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Cote d'Ivoire, Ethiopia, Gabon, Liberia, Libya, Madagascar, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Togo, and Tunisia. One member of the Casablanca group, namely Libya, attended this meeting. Sudan accepted the invitation, but changed its mind when it learnt that Mauritania would be attending. The Monrovia and Brazzaville groups had similar views on Mauritania, which, they believed, had a right to independent statehood. They also supported the UN policy on Congo.

The Monrovia group agreed on several principles, which were later re-issued as the "Lagos Charter of the Organization of African and Malagasy States" after a meeting of the same countries (including Congo-Kinshasa) in Lagos, Nigeria, in January 1962. The five principles they endorsed later formed the basis of the OAU Charter:

- 1 Absolute equality and sovereignty of African states.
- 2 The right of each African state to exist and not to be annexed by another.
- 3 Voluntary union of one state with another.
- 4 Non-interference in the domestic affairs of African states.
- 5 No state to harbor dissidents from another state.

The above principles revolved around one institution: sovereignty. Other significant institutions, such as democracy and the rule of law, did not concern the protagonists.

Despite the differences among the three sub-regional groups, the OAU was established because they were united on other issues, as the OAU Charter and the organization's subsequent activities suggest.

The OAU Charter

The OAU Charter consisted of 33 articles that defined its objectives, principles, and organs. The principal organs of the OAU were the Assembly of heads of state and government; the Council of Ministers; the General Secretariat; The Specialized Commissions; the Commission of Conciliation, Mediation and Arbitration; and the Liberation Committee. It was founded by 31 states in 1963, but had 53 members when it was dissolved in 2002.

The organization's purposes, which were stated in Article 2(1), reflected the statist dimension of the pan-Africanist aspirations for liberation and integration. These included the promotion and solidarity of African states, the defense of state sovereignty, territorial integrity and independence, and the promotion of international cooperation having due regard for the UN Charter. However, the OAU Charter also touched on people-centered activities such as the pledge to coordinate and intensify cooperation and efforts to achieve a better life for the peoples of Africa, and the promotion of international cooperation having due regard for the Universal Declaration of Human Rights. Hardly any African leader paid attention to these people-centered activities. Indeed, despite the pledge to uphold the Universal Declaration of Human Rights, most African states trampled on human rights. The OAU, and especially its Liberation Committee, pursued consistently its goal of eradicating colonialism. This goal was so crucial to the survival of the OAU that after the liberation of South Africa in 1994, the organization's days appeared numbered. It was fitting that its successor, the AU, was launched in South Africa.

The OAU was driven by seven statist principles that were enshrined in Article 3 of the Charter. These included the sovereign equality of all member states, non-interference in the internal affairs of member states; respect for the independence, sovereignty and territorial integrity of each state; the peaceful settlement of disputes; unreserved condemnation of political assassination and subversive activities on the part of neighboring states; dedication to the total emancipation of all African territories; and affirmation of the policy of non-alignment. The first four of these principles correspond with those contained in the UN Charter and reflect the norms of international law. However,

taken together, these seven principles reflected the power struggles and the fear that existed in Africa in the early 1960s. For this reason, they acted like insurance policies or mutual preservation measures.

The protection of territorial integrity was revisited in 1964 when the Cairo OAU summit reaffirmed the principle of the inviolability of borders inherited from the colonial period. In the 1965 OAU summit in Accra, Nkrumah and his supporters proposed a pan-African executive, but those who wanted to preserve their independence, sovereignty, and territorial integrity rejected it.

That the OAU devoted a considerable amount of its time to condemning racial discrimination in southern Africa reflected two things: the commitment to ending the continued humiliation of fellow Africans; and the concealed fear of South Africa. Much of the OAU's support for liberation struggles in southern Africa was funneled through its Liberation Committee, which was based in Dar es Salaam, Tanzania. The Liberation Committee's work was mainly diplomatic and the UN Security Council endorsed its goals when it met for the first time in Addis Ababa in 1972. However, many African states gave little or no support at all to the Liberation Committee, which, in turn, came to be closely identified with the foreign policy of Tanzania and other Frontline States, such as Angola, Botswana, Mozambique, Zambia, and Zimbabwe. As Gilbert Khadiagala has observed, the frontline states played an important role "in forging African and global consensus about the end of minority rule" in southern Africa.²⁴

The OAU was keen to end colonialism, but it often had no answers to subsequent problems that could impede the realization of freedom. It had a dispute resolution mechanism that included negotiation, mediation, conciliation and arbitration, but this mechanism seldom functioned effectively. For example, the OAU admitted Angola in 1975, but it failed to find a solution to the tragedy that took place in the former Portuguese colony. Indeed, the Angolan civil war at one time paralyzed the OAU Assembly. It was eventually addressed through the UN auspices in the 1990s. Among the controversial issues that embroiled the OAU in the 1980s was the admission of Western Sahara (The Saharoui Democratic Republic) as a member in 1980. Subsequently, the admission of Western Sahara saw the organization torn between pro-Moroccans and pro-Polisario supporters, two summits in 1982 being aborted due to the massive boycott of Moroccan supporters and the withdrawal of Morocco from the Organization in 1984. This issue, which accounted for Morocco's failure to join the AU, remains unresolved.

Regional Economic Communities and initiatives

Some of the weaknesses of the OAU were demonstrated at two levels: the Charter's failure to make clear the OAU's relationship with sub-regional organizations, formally known as Regional Economic Communities (RECs); and the OAU's failure to pursue vigorously the economic goals and principles stipulated in its Charter. In one case, the weakness was apparently due to an oversight by those who formulated the OAU Charter. In the other case, the weakness was clearly due to an inability to fulfill the organization's mandate. These two weaknesses, in turn, demonstrated the organization's inability to take advantage of the complex relations between globalization, security, and governance.

During its 39 years of operation, the OAU co-existed with a number of RECs, including the East African Community (EAC); the Economic Community of West African States (ECOWAS); the Southern African Development Community (SADC), which was originally called the Southern African Development Coordination Committee; and the Intergovernmental Authority on Development (IGAD), which was originally known as the Intergovernmental Authority on Desertification and Development. These organizations had their own identities and interests derived from their respective sub-regions. One of these, the EAC, existed before the emergence of the OAU, but the others were established in the 1970s and 1980s. The UN Economic Commission for Africa (ECA) also existed before the OAU was created.

The OAU Charter failed to stipulate its relations with RECs. However, it settled for a protocol, which served as a diplomatic tool with which the OAU would formalize relations with RECs. RECs were not subsidiary organs of the OAU. Moreover, RECs could deal directly with the UN under Chapter VIII of the UN Charter, which theoretically meant that they could render the OAU an on-looker on major security initiatives on the continent. However, the OAU was in the process of formalizing relationships with seven RECs by the time it was folded. (OAU/AU relations with RECs are discussed in further detail in Chapter 2.)

The OAU Charter was quite clear about the Organization's role in economic development. For example, the preamble of the Charter talks about the OAU's responsibility for economic development. Article 2(2) requires member states to coordinate and harmonize their policies in "economic cooperation, including transport and communications." It also requires members to coordinate and harmonize their policies in "education and cultural cooperation" as well as in other areas like "health, sanitation, and nutritional cooperation." Given

the fact that those who influenced the direction of the Charter after rejecting Nkrumah's ideas believed that African unity could be achieved only through economic cooperation, why did the OAU pay so little attention to economic issues? Failure to address economic and development issues effectively meant that the OAU was not equipped to utilize globalization.

It was partly due to the lack of expertise that the OAU appeared to cede the power for economic decision-making to the ECA, which, like the OAU, had its headquarters in Addis Ababa. In the initial period, there appeared to be rivalry between the OAU and the ECA on major economic initiatives for Africa, but after some time, the OAU appeared to follow the lead taken by the ECA. Nonetheless, the OAU participated in negotiations on major economic initiatives, including the discussions on the New International Economic Order and the Lomé Conventions. Another important economic initiative that the OAU took in the late 1970s and early 1980s was the Lagos Plan of Action, but it did not deliver the goods envisaged.

It is in the economic field that the OAU should have exploited the dynamic tension between globalization, security, and governance, but it did not.

Conclusions

The OAU was a product of its times. The interests and identity of African states drove the organization's purposes, principles, concerns, and interpretations of its mission, but they also reflected the prevailing norms of global governance. The OAU's Charter was state-centric in tone, but this reflected the interpretation of the UN Charter at the time. Even the OAU's insistence on the inviolability of African state boundaries, which was driven by fear and concern for state security, reflected the message of UN General Assembly resolution 1514 of December 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples. For example, Paragraph 6 of the Declaration stated: "Any attempt aimed at partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

With a view to discouraging political assassinations, the OAU exploited the ghost of Sylvanus Olympio in 1963 to canonize a policy that resulted in the protection of dictatorial leaders, such as General Idi Amin of Uganda and General Sani Abacha of Nigeria, who were responsible for the insecurity and deaths of thousands of their citizens.

During the first two decades of the OAU, few countries in the world paid serious attention to good governance and the respect for human rights. Indeed, in the 1960s, and owing to the existence of white minority regimes on the continent, African states appeared more interested in the promotion of self-determination, a part of human rights, than Western states were. Some of the weaknesses of the OAU in the post-Cold War era resulted from the fact that it was not designed to exploit effectively the dynamic tension between globalization, security, and governance.

Just as the OAU was a creature of its time, the successor organization, the AU, is a product of its time. Without the type of changes that took place after the Cold War, it would not have been possible for African states to establish the AU.

2 The African Union

Meeting the challenge of globalization

The emergence of the AU in July 2002 prompted a number of questions. What major factors were behind its creation? Does the AU have the capacity to meet the challenges of globalization, security, and governance? Is the organization being driven by a statist agenda or an agenda that is geared towards satisfying the aspirations and needs of the people?

Identity issues and new interests fueled the creation of the AU. In one sense, the AU is a product of pre-OAU debates, but, in another sense, it is a response to the globalization and democratization that characterized post-Cold War changes in Africa and in the world as a whole. As early as 1961, Kwame Nkrumah had called for an organization similar in structure and ambitions to the AU, but the majority of other African leaders rejected it. However, as one analyst has suggested, the “tide” that necessitated the construction of the AU was “the end of the Cold War, globalization and the need for a fundamental change of the iniquitous international economic system.”¹ Nkrumah had cautioned that a weak Africa was vulnerable to external pressures and manipulation, and could only “become one of the greatest forces for good in the world” if it was united.²

Speaking as if in reference to Nkrumah, the Saharawi Arab Republic President, Mohammed Abdelaziz, argued that “in this brave new world, there is no room for the weak.”³ In response to the realities of the “new world,” African leaders sought to reconstruct their identities and interests by launching an organization with lofty objectives and ambitious structures, which would require considerable skills, operational capacity, and international goodwill to succeed.

At the establishment of the OAU in 1963, the shadow of apartheid South Africa and other minority white regimes was cast over debates among the delegates because the main interest that united them was liberation. The liberation of South Africa in 1994 removed one of the pillars on which the OAU had been constructed. As the OAU was

wound up, it was the newly liberated South Africa that hosted the summit that established its successor. If power struggles between Ghana and Nigeria had characterized the political debates prior to the creation of the OAU, rivalry among Africa's regional great powers, especially Libya, Nigeria, and South Africa, surrounded the emergence of the AU.

To address in detail the questions raised at the start of this chapter, this analysis is divided into six parts. The first looks at the legacies of the OAU, while the second examines the post-Cold War political climate that produced the momentum for change. The third part analyzes the objectives of the AU, while the fourth examines its principles. The fifth part discusses the AU's organs, while the sixth examines the AU's relations with RECs.

Legacies of the OAU

By the early 1990s, globalization and the end of the Cold War had compelled African states to recognize the structural weakness that had prevented the OAU from responding effectively to fratricidal intrastate conflicts. At the same time, it was becoming evident that the West and the UN Security Council were not responding promptly to African problems,⁴ particularly security matters.⁵ It was for these reasons that the OAU summit of 1990 decided to issue the declaration on the "Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World." This declaration provided a framework in which African leaders pledged to work together towards the peaceful and rapid resolution of conflicts. Their pledge resulted in the Cairo Declaration of 1993 that established the OAU's Mechanism for Conflict Prevention, Management, and Resolution.

It was through this new mechanism that the OAU reacted to various conflicts, including those in Angola, Burundi, the Central African Republic, the Comoros, the DRC, the Ethiopian–Eritrean war, Liberia, Guinea-Bissau, Rwanda, Somalia, and Sierra Leone. Nevertheless, the persisting inadequacy and structural incapacity of the OAU led to a further realization that Africa needed a new organization that could take risks and responsibility in promoting development, peace, and security. It was against this background that the OAU extraordinary summit in Sirte, Libya, in September 1999, agreed on the establishment of the AU. The Constitutive Act to establish the Union was signed at the OAU summit in Lomé, Togo, in July 2000.

The OAU bequeathed the AU many legacies, but given space constraints, only a few of them are discussed here. Some of the organs, principles, and objectives of the AU are clearly different from those of

the OAU, but others only went through cosmetic changes. Moreover, when the OAU was wound up, it had not achieved many of its objectives. Critics of the OAU had increasingly seen it as a “big men’s club” or their “talking shop” where eloquent speeches were made and little else was accomplished. Amara Essy, the last OAU Secretary-General, regarded the Organization as “the most difficult” he had “ever seen.”⁶ Several OAU objectives, such as that of improving the living standards of the African people and creating intra-African cooperation, were not achieved.

If the liberation of the continent, which was concluded with South Africa’s transition to democracy in 1994, is taken as the OAU’s most sterling achievement, the rest of its record is largely ineffectual since it failed to free Africa from poverty, disease, bad governance, and dependence on Western economic assistance. During the life of the OAU, African states not only groomed dictators whose obsession with power resulted in wanton looting of their coffers, but also allowed destructive and bad habits and practices, such as corruption and nepotism, to go unchecked. The AU has the unenviable task of mopping up after nearly four decades of misguided political and economic policies.

The issue of disputed state boundaries is no longer a major problem, but Morocco’s position on Western Sahara is a sub-set of it. Related to boundaries is the institution of state sovereignty and its derivative, territorial integrity. In particular, the OAU used the principle of non-interference and non-intervention in the internal affairs of member states to turn a blind eye to horrendous and egregious acts of brutality that were taking place in almost all African states. The AU has addressed this through Article 4(h) and 4(j), which permits the Union to intervene in member states “in respect of grave circumstances.” Under Article 23 of the Constitutive Act, the AU can also impose sanctions on member states that fail “to comply with the decisions and policies of the Union.”

The OAU coddled some of the world’s worst dictators, such as Uganda’s Idi Amin, who served as OAU’s Chairman from 1975 to 1976, while butchering thousands of Ugandans. Other dictators, who served terms as OAU Chairmen included Ethiopia’s Mengistu Haile Mariam, and Generals Mobutu Sese Seko of the DRC (formerly Zaire), Moussa Traore of Mali, Ibrahim Babangida of Nigeria and Gaafar Numeiry of Sudan. As some dictators from the OAU era remain part of the AU Assembly, there is nothing in the Constitutive Act that would preclude them from heading the AU. Although the AU has additional structures that require its members to govern well, observe sound economic policies, and respect human rights, some of

the leaders who have committed themselves to its objectives are dictators, such as Robert Mugabe of Zimbabwe, who have not demonstrated willingness to observe good governance principles.

The AU also inherited from the OAU several unresolved intra-state crises that have tested its credibility. The elusive peace and state reconstruction in Somalia, the long-festering problems in the DRC (despite the 2006 presidential elections), and the societal crises in Zimbabwe, are a few of these.

The political climate for the African Union

Some of the factors that contributed to the emergence of the AU include the end of the Cold War, recognition of the power of globalization, the preeminence of the neo-liberal economic ideology, increasing demands for respect of human rights and for transparency by civil society organizations, the growing popularity of liberal democratic principles, and personal rivalries among some African political leaders. On the basis of these factors, the Union should be well positioned to utilize the complex relationships between globalization, security, and governance to pursue its goals.

The rivalry among leaders appeared to revolve around three political figures: Libya's Muammar Gaddafi, with his rediscovery of pan-Africanist ideals; Nigeria's Olusegun Obasanjo, partly owing to his country's political and economic clout in the continent; and South Africa's Thabo Mbeki, also due to his country's political and economic prowess, his reinvention of the "African renaissance," and his neo-liberal economic initiatives through the New Partnership for Africa's Development (NEPAD). The rivalry between Nigeria and South Africa, as displayed by their ambitions to occupy permanent seats in the UN Security Council, should the anticipated Security Council reforms take place, greatly contributed to the formation of the AU and NEPAD.⁷

Gaddafi, an admirer of former Egyptian leader, Gamal Abdel Nasser, had pursued various pan-Arabist projects during the Cold War without success. He took power in 1969 after overthrowing King Idris, who had attended the Casablanca group with Nkrumah and who had also called for an African political union in the early 1960s. In his 30-year rule, Gaddafi had also toyed with the idea of building nuclear weapons. With the end of the Cold War, Gaddafi's room for maneuver on the nuclear issue had gone, and he was considering giving it up. Pursuing the pan-African project seemed an attractive option of administering to his regional power ambition.

South Africa also sought to become a nuclear weapons power from the late 1960s, and had apparently developed a credible nuclear weapons program by the late 1980s. However, following the end of the Cold War, and with renewed pressure for liberation, the white minority government must have debated whether nuclear weapons would be passed on to the black regime. Accordingly, it dismantled the nuclear weapons program before signing the Non-Proliferation Treaty in July 1991. At the time Mbeki assumed the presidency in 1999, South Africa had given up its nuclear weapons ambitions.

By waving the pan-African and African renaissance flags, Gaddafi and Mbeki respectively pursued the ideals that Nkrumah had enunciated. However, by pursuing NEPAD, Mbeki sought to satisfy the concerns of the 1960s critics of Nkrumah, who sought African unity through economic cooperation. NEPAD, with its support for a peer review mechanism, was regarded as an appropriate governance tool for debt-ridden Africa. In this context, South Africa's initiatives were geared towards exploiting the dynamic tension between globalization, security, and governance for Africa's benefit.

It is in the context of the aforementioned developments that one can explain why the 43 African leaders attending the extraordinary OAU summit in Libya in September 1999 decided to establish the AU. Their decision was in conformity with the OAU Charter and the 1991 Abuja Treaty. From this meeting, the process moved fairly fast. For example, the initial version of the Constitutive Act of the AU was adopted during the 2000 Lomé summit.⁸ A year later, during the OAU's 5th extraordinary summit, also held at Sirte in March 2001 and attended by 40 African political leaders, the AU was born.

When the AU was formally launched in Durban on July 8, 2002, some analysts described the meeting as "an array of personalities representing Africa's ruling elite, from the reprobates to the respected, from heroes to villains, and from the eccentric to the power-drunk demagogues."⁹ Mbeki was the host, but it was Gaddafi who drew the most attention, with his critics vilifying him for pursuing sinister motives while his supporters compared him to Nkrumah.

Gaddafi's speech that heralded Africa's freedom, the end of enslavement and colonialism, and African ownership of their land and destiny, was termed "a militant rant, thick with rhetoric."¹⁰ He was also called a dictator, who had for over 30 years denied his people free elections, free media, and basic human rights, and hence lacking the credentials to promote the AU principles. Some of the criticisms of Gaddafi's democratic credentials hit the mark.

The rivalry between Mbeki and Gaddafi was not surprising given South Africa's status as a regional great power. In this context, claims that, through the AU, Gaddafi sought "to establish a hegemony"¹¹ in Africa, warranted closer examination. Some critics pitted Gaddafi's interest in the AU against NEPAD, which is Mbeki's brainchild. Some of Gaddafi's critics, favoring South Africa, argued that for the AU to succeed, Gaddafi needed to "step back" and allow a leader "from a country grounded in the principles of democracy [to] pick up the mantle."¹²

Was Africa being asked to choose between Gaddafi's vision of a "United States of Africa" and Mbeki's combination of NEPAD and the "African Renaissance"? Looking at the two leaders' projects superficially, one would conclude that Gaddafi's dream was to see a continental government, one African military force, uniform trade and foreign policies, and one leader representing all the African states in dealing with the rest of the world. This was Nkrumah's dream. On the other hand, Mbeki's mission was to create a continent ruled by like-minded African democrats who shared his goals of competitive markets, technological advancement, progressing economies, and industrious populations.

However, in a profound sense, both Mbeki and Gaddafi betrayed certain leanings towards Nkrumah's project. Both had passionate feelings for Africa and grandiose plans for uplifting the continent from its deplorable state. The fact that it was Mbeki who hosted the summit that created the AU and became the first Chair of the Union helped to combine, and go beyond, the visions of the Casablanca, Monrovia and Brazzaville groups of the early 1960s. In about 40 years, South Africa had moved from casting a shadow over pan-African dreams to leading the most ambitious pan-African organization.

The United States also played an indirect role in the formation of the AU. The US involvement can be traced back to November 1993 when the OAU established a conflict prevention, management, and resolution mechanism and Washington offered to assist it by providing the necessary infrastructure, and sharing with it standards and principles for the establishment and planning of peacekeeping operations. In late 1994, President Bill Clinton signed into law the African Conflict Resolution Act, which had provisions for U.S. financial and technical support of the conflict resolution mechanism and authorized funding to support the OAU efforts at conflict resolution.

However, this support was cut short due to the OAU's dalliance with Gaddafi. The fundamental reason for the U.S. hostility to Libya was Gaddafi's use of terrorism and subversion and his foreign military adventurism. Two cases show how the antagonism between the United States and Libya worked to the detriment of the OAU. In October 1981,

the United States provided some funding for the OAU peacekeeping force in Chad after the Libyan forces that had been supporting Goukouni Oueddei pulled out. The Reagan Administration was later accused of undermining the OAU effort in Chad by providing arms to Hissen Habre's forces that were fighting to oust Oueddei from power. It was with American support that Habre took the government.

The second incident related to the bombing of the Pan-Am aircraft over Lockerbie in December 1988. The United States accused Libya of involvement and subsequently campaigned to isolate it internationally. As Libya became an international pariah, Gaddafi looked south to Africa for friendship with non-Western leaning states and liberation movements such as South Africa's African National Congress. He also increased his participation in the OAU and spearheaded efforts to transform it into a more viable and vibrant pan-African organization. As Gaddafi developed closer ties with the OAU, the United States reacted by scaling back and eventually almost freezing all its ties to the organization. It is notable that the OAU was the first regional organization to defy sanctions against Gaddafi, and it was through the diplomatic initiatives of former South African President Nelson Mandela that the Lockerbie issue was resolved and sanctions against Libya lifted. Thus, Gaddafi's decision in August 2003 to pay compensation for the victims of the Lockerbie bombing, after more than a decade of denying it, was part of his strategy to pursue pan-African ambitions without being undermined by the United States and the UK.

It must, however, be emphasized that the factors that gave birth to the AU go far beyond the personal ambitions of Gaddafi and Mbeki. For example, the end of the Cold War, the collapse of the Soviet Union, and the prevalence of neo-liberal economic ideology helped to change domestic politics in much of Africa. Western countries, which had courted African dictators who had taken sides with them in the Cold War, increasingly distanced themselves from these leaders. Indeed, Western states, which had turned a blind eye to human rights abuses in many African states, started to support the domestic forces that sought democratic reforms in these countries. The initial success of democratic reforms and transitions in various African places had a double effect. First, the new African leaders found the OAU to be outdated and sought to replace it with an organization more attuned to democracy and transparency. Second, democratic reforms within states emboldened civil society organizations to demand accountability on the part of the OAU. They wanted an organization that gave more respect to women's rights, human rights, and sustainable development. Thus, the identities and interests of African leaders were changing fast.

Another important factor in the emergence of the AU was the recognition of the significance of globalization. The intensity and breadth of interactions within the political, technological, economic, social, and cultural domains that characterize globalization, had a major impact on the domestic policies of African states. The AU founders saw the Union as a tool for the continent to face the “multifaceted challenges” posed by globalization. Hence, among the AU objectives (Article 3[i]) is to “establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations.” Globalization also encourages imitation, and it was not surprising that African leaders sought to establish a continental body that mirrored some of the features of the European Union.

Objectives of the African Union

The AU’s objectives, which are contained in Article 3 of the Constitutive Act, articulate the agenda and underline the priorities of the Union. Many of these objectives require a skillful exploitation of the complex relationships between globalization, security, and governance to be pursued successfully.

Unlike its predecessor, which sought unity only among African states, the AU makes the pledge to build “a united and strong Africa” and to establish partnerships between governments and business, in addition to achieving “greater unity and solidarity” among states and African peoples. The organ that has been given these responsibilities is the Economic, Social and Cultural Council (ECOSOCC), which comprises the African civil society organizations. It is anticipated that the African people will gain more roles in influencing continental trends and policies through the election of members of the Pan African Parliament, and through contributions to the work of the Peace and Security Council (PSC), the African Commission on Human and People’s Rights (ACHPR), and the African Peer Review Mechanism (APRM). However, it remains to be seen how much power the states are willing to cede to the people through these organs. The priorities placed on the operationalization of the AU structures and organs can serve as a pointer. For instance, ECOSOCC, which adopted its statutes in 2004, has yet to play an active role of representing the voices of people in the AU decision-making process, as originally envisioned.

Whether the Assembly will give priority to the promotion of unity among the peoples of Africa, and by what means, is not clear. Echoing the OAU Charter, the AU Constitutive Act pledges to defend the

sovereignty, territorial integrity, and independence of member states. The fact that the defence of state sovereignty is a top priority, Article 3(b), while the promotion of human rights and good governance are towards the bottom, Article 3(h), betrays the statist ambition of the AU. The AU also proposes, through Article 3(j), to accelerate Africa's economic, social and cultural integration. The Constitutive Act also refers to the promotion and defense of Africa's "common position on issues of interest to the continent and its people." Like its predecessor, the AU pledges to encourage international cooperation, taking into account the UN Charter and the Universal Declaration of Human Rights. In tone, the above objectives are not markedly different from those of the OAU.

However, the AU also pledges to pursue other issues that would benefit the people, as opposed to the states. For instance, it aims to promote "peace, security, and stability on the continent." If the AU organs defined peace and security primarily in terms of the protection of state boundaries, the ruling elites and territorial integrity, the AU approach would not differ much from that of the OAU. However, if they defined peace and security primarily in terms of the protection of the people and the preservation of their values, norms, and institutions, the AU approach would be significantly different. The way the AU approached the crisis in the Darfur region of Sudan between 2003 and early 2007 suggested that state interests took priority over the responsibility to protect suffering humanity.

The AU also pledges to "promote democratic principles and institutions, popular participation and good governance." This is a major departure from the OAU, which did not take democratic governance seriously. Since its formation, the AU has assumed an increasing role in the observation and monitoring of elections. However, there have been criticisms about results of some of the AU election reports. One of the most embarrassing moments for the Union took place in May 2005 when it refused to observe the Ethiopian elections but went ahead and endorsed the election results, which were widely believed to have been tampered with. As a result of the statement of the deputy Chairperson endorsing the elections as "free and fair," riots rocked Addis Ababa for days and led to a number of deaths and thousands of arrests.

The objective of promoting democracy and good governance could assume extra significance once the Pan-African Parliament (PAP) evolves into an organ with full legislative powers, with legislators elected by universal adult suffrage, and when the APRM becomes mandatory rather than voluntary, as it is at the moment. At this writing, the PAP

has only consultative and advisory powers and comprises legislators nominated by national parliaments. However, it is envisioned that the PAP will assume legislative and oversight powers by 2009.

Another objective of the AU is to “promote and protect human and people’s rights in accordance with the African Charter on Human and People’s Rights” and other human rights instruments. This is a major normative development in the AU’s approach to governance. However, the continuing violation of human rights in Darfur and Zimbabwe in 2007 has raised questions as to whether the AU has the capacity to pursue this goal conclusively and consistently. In addition, the AU aims to establish the necessary conditions that enable Africa to play a greater role in the global economy, and to promote sustainable development at the economic, social, and cultural levels.

The AU also aims to advance the development of Africa “by promoting research in all fields, in particular in science and technology.” This objective is being met through the department headed by the Commissioner for Human Resources, Science, and Technology, and through relevant Specialized Technical Committees. The successful pursuit of this objective is crucial to Africa’s sustainable development. Indeed, science, technology, and innovation are so important that Africa cannot effectively address many of its goals without them. However, there is little evidence that Africa is investing adequately in research and knowledge creation.

On the whole, those Commissioners and bodies charged with implementing the objectives of the African Union could take advantage of the complex relationships between globalization, security, and governance. Whether they do so for the benefit of the people and societies, as opposed to the states, will depend on their perspective of security, the extent to which they permit non-state agents to participate in decision-making, and a crucial understanding that globalization can be managed and controlled for the benefit of humankind.

Principles of the African Union

The AU’s principles, as laid out in Article 4 of the Constitutive Act, can be broadly categorized into four groups: traditional principles adopted from the OAU; good governance and social justice; peace and security; and socio-economic development.

The *traditional* principles adopted from the OAU such as “sovereign equality and interdependence among member states,” and “respect of borders existing on achievement of independence,” smack of the bygone era in which African leaders acted with impunity. These are

based on the old-fashioned interpretation of state sovereignty. However, a radical departure is that while member states are forbidden to intervene in each other's internal affairs, the AU has a right to "intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." Thus, intervention can take place to stop the commission of crimes against humanity, but only the Assembly can authorize such intervention. The member states also have a right "to request intervention from the Union in order to restore peace and security."

As noted earlier, the weaknesses of the OAU, the failure to restore peace to Somalia despite a massive UN intervention in 1993–95, and the genocide that claimed an estimated one million people in Rwanda, were a traumatic and sobering experience for Africa. In adopting Articles 4(h) and 4(j), the AU became the first organization in the world to give itself such a mandate. Article 4(h) was meant for "grave circumstances" in collapsed states, which had no structures to protect civilians from the devastations that accompany such collapses, while Article 4(j) was meant to assist weak states that were failing to protect their citizens from imminent danger. These articles have been hailed as marking a radical departure from the OAU's principle of non-interference.

The *governance and social justice* principles that relate to "participation of the African peoples in the activities of the Union," are a major improvement over the previous era. These principles also relate to the promotion of self-reliance, gender equality, and social justice. They are designed to enhance the respect for democratic principles, human rights, the rule of law, good governance, and the sanctity of human life. The Union also condemns and rejects impunity and political assassination, acts of terrorism and subversive activities, and unconstitutional changes of governments. Through the APRM, established under NEPAD, African leaders can volunteer themselves to be monitored on their performance in regard to "policies, standards and practices that will lead to political stability, high economic growth, sustainable development and accelerated regional integration in the continent."¹³ It was in reference to this principle that the African leaders, during the first AU Assembly summit, made a commitment to practice "the principles and core values" of democracy, and of political, economic, and corporate governance.

The *peace and security* principles of the AU relate to the "establishment of a common defence policy," "peaceful resolution of conflicts among member states," and the "prohibition of the use of force or threat to use force among member states." In forming the AU to replace the OAU, African leaders were "conscious of the fact that the

source of conflicts in Africa constitute[d] a major impediment to the socio-economic development of the continent” and that “peace, security and stability” were prerequisites for Africa’s “development and integration agenda.” The idea of relating the security agenda to socio-economic development suggests that security was not conceived primarily in traditionalist terms. However, it is not clear whether the AU has the means and commitment to implement this broad approach to security. As will be shown later, even in the implementation of the peace and security agenda, the AU has concentrated its resources and efforts mainly on conflict management rather than on conflict prevention and post-conflict peace building.

The *socio-economic development* principle of the AU is articulated in Article 4(n) of the Constitutive Act. However, the Constitutive Act gives only scant attention to socio-economic matters, stating that “balanced economic development” will be sought through the “promotion of social justice.” Nonetheless, this principle is given more attention in the NEPAD initiative that is expected to be eventually adopted as the development blueprint of the AU.

Besides its complex architectural structure and ambitious goals, the AU differs from the OAU in the way it accords both civil society organizations and women prominent roles in its affairs. The PSC, for instance, has a provision that recognizes civil society organizations as key components of the AU peace and security architecture by encouraging them “to participate actively in the efforts aimed at promoting peace, security and stability in Africa.” The PSC also encourages civil society organizations “to collaborate” with the Commission in the “effective functioning of the Early Warning System.”¹⁴ Civil society organizations have also been given a role to play in the implementation of the AU agenda through organs such as ECOSOCC and mechanisms such as the APRM. This is significant as the role of civil society organizations has been crafted into the Constitutive Act to ensure that the AU does not degenerate into the “old boys’ club” that the OAU was.

Gender mainstreaming

The AU seems to be treating gender equality, gender balance and gender mainstreaming more seriously than the OAU and most of its member-states. Starting with the Constitutive Act, the Preamble states that the formation of the AU was guided by “the need to build a partnership between governments and all segments of civil society, in particular *women*, youth and the private sector in order to strengthen solidarity and cohesion among ... (African) peoples.” One of its

principles (Article 4[1]) is the “promotion of gender equality.” Article 3 has also been amended to “(e)nsure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas.” However, the Constitutive Act fails to highlight instruments such as the UN Convention on the Elimination of All Forms of Discrimination against Women in Article 3(e), and to establish a Specialized Technical Committee to deal with gender issues.¹⁵

Nonetheless, gender equality and the importance of women in the promotion of the AU objectives are recognized in various statutes and practices. For instance, the Statute of the AU Commission (Article 18.6[a]) states that the principle of gender equality will be upheld in the recruitment of staff, and that women will compose half of the (original) 10 commissioners (Articles 6[3] and 13). The Statute (Article 12[2]) also assigns the portfolio of gender issues to the Office of the Chairperson of the Commission since they are crosscutting. The PSC Protocol, Article 20, recognizes the role of women in promoting the AU peace and security agenda and calls on women in NGOs to contribute to the functioning of the PSC.

However, more efforts need to be made to mainstream gender at all levels of the AU, including the Assembly. As Article 6(1) of the Constitutive Act states that those attending the Assembly sessions ought to be heads of state and government or their accredited representatives, the Assembly can easily facilitate more female participation in this supreme organ. Arrangements can be made for every session to have a certain number of females participating.

By suggesting this, we do not imply that more women in the Assembly would lead to qualitatively different types of decisions. Gender mainstreaming should not be based on claims that women make qualitatively different types of decisions. It is fundamentally about equality and representation. Our concern with the composition of the Assembly is that it defies logic for an organization, which claims to be seriously concerned with gender mainstreaming, to exclude women from its own supreme decision-making organ.

Organs of the African Union

All the eighteen organs of the AU perform important governance tasks, but this section looks at only those that have been established with a view to demonstrating how the Union handles the challenge of governance in a globalizing world.¹⁶ The seven organs examined are: the Assembly, the Executive Council, the PSC, the PAP, African Human Rights Court, ECOSOCC, and the Commission. Each organ is discussed

in terms of how it meets the objectives and complies with the principles stipulated in the Constitutive Act. An attempt is also made to see whether these organs have the potential to provide continent-wide leadership.

The Assembly

This is the supreme organ of the AU, which comprises heads of state and government or their representatives. Some of these were democratically elected, but others were not, yet they all theoretically exercise the same level of power. In this respect, the AU's Assembly is similar to the OAU's Assembly. The Assembly's chair, elected by heads of state and government, serves a term of one year, which could be renewable under certain circumstances, as was the case with Nigeria's President Olusegun Obasanjo, who served from July 2004 to January 2006. This organ meets in ordinary session twice (January and July) a year to make decisions that are implemented by other organs. However, it may also meet in extraordinary session if requested by a member state and approved by at least two-thirds of the members. The Assembly reaches its decision by consensus; where this is not possible, it requires two-thirds of the member states. However, on procedural matters, it needs only a simple majority.

On the basis of the Constitutive Act, the Assembly wields enormous power. It determines the AU's policies, admits new members, adopts the budget, appoints the Chairperson of the Commission and his/her deputy and other commissioners, and decides on intervention in other states. The Assembly can give "directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace." This organ has the potential to become dictatorial.

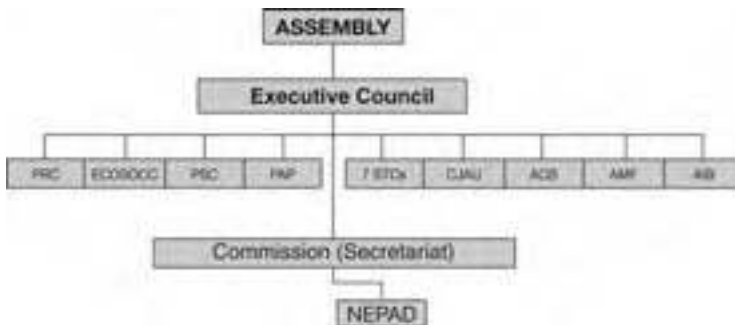


Figure 2.1 Organs of the African Union.

While the Constitutive Act invests the Assembly with enormous power, it provides no inbuilt checks on this power or any avenues for reviewing the appropriateness of its actions. The AU was established at a time when governance in Africa called for the participation of states and non-state agents in decision-making, but the Constitutive Act provided no mechanisms for the people, civil society organizations, and the corporate sector to lobby the Assembly directly. Indeed, the Assembly, as it stands in 2007, does not meet the requirements for democracy, accountability, and popular participation. However, under Article 9(2) of the Constitutive Act, the "Assembly may delegate any of its powers and functions to any organ of the Union." Through this delegation, some of the Assembly's business has been handled by organs that have sought consultations with specialists and civil society organizations.

The Assembly's record on African crises and conflicts since its inception in 2002 has been a mixed bag. The first test case was the political crisis in Madagascar during the 2002 summit in which it needed to choose between Didier Ratsiraka, an incumbent who had refused to accept an election loss, and Marc Ravalomanana, the former mayor of the capital city who had claimed the election victory and demanded recognition. The AU chose neither and left Madagascar's seat empty for a year. Since then, the Assembly has considered and made many decisions during each summit on addressing African problems, mainly conflicts. At each meeting, the Assembly receives implementation reports of the previous decisions from the Commission.

The Assembly's rules of procedure stipulate what forms the decisions may take: if it is issued as a regulation or directive, it will be binding to the member states and all measures will be taken to ensure it is implemented within 30 days. But, if a decision is taken as a "recommendation, resolution or opinion," it will not be binding, as its intention is "to guide and harmonize the viewpoints of member states."¹⁷ One of the grey areas in the Assembly's decision-making process relates to making decisions on intervention under Articles 4(j) and 4(h). If the Assembly has to decide on intervention, it will need to do so in an extraordinary session, which requires approval "by a two-thirds majority of the member states" and 15 days notice.¹⁸ The meeting will take place only if at least 36 member states respond to the request for an extraordinary summit. It is, however, notable that the Assembly's rules of procedure go to extremes to define, in Rule 37, the process for imposing "Sanctions for Unconstitutional Changes of Government," but it is silent on how decisions will be taken in response to "grave circumstances." The rules of procedure of all the other organs of the Union are also silent on this issue.

Despite the failure of Zimbabwe's internal governance system and the severe deterioration in the security, economic and social situation, the Assembly has not taken any meaningful action. The first chair of the Assembly in 2002 was South Africa's President Thabo Mbeki, who is fully aware of the conditions in Zimbabwe, but even under his direction, the Assembly did little to improve the situation.

It is the Assembly that has to deal with the choice of excluding from the Union member states that flout the AU principles. It also has to develop compliance programs for such states, which they must implement within a specified period. Besides expulsion, member states that fail "to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other member states, and other measures of a political and economic nature to be determined by the Assembly."

Although the penalties for failure to comply with the objectives and principles of the AU are clearly stated, their implementation will require not only political will on the part of leaders, but also the cooperation of all member states, as well as the goodwill of the African people.

The Executive Council

This comprises the Foreign Ministers or any other minister designated by the member states. In composition, it is similar to the OAU's Council of Ministers. Thus, the Executive Council is filled with the appointees of the Assembly and is accountable to the Assembly. It meets at least twice a year in ordinary session, but it can meet more times if requested by a member state and approved by two-thirds of the members. Like the Assembly, the Executive Council reaches its decisions by consensus; if this were not possible, it would require two-thirds of the members. However, on procedural matters, it needs just a simple majority.

The Executive Council has the mandate to make decisions on a wide range of issues, including foreign trade, science and technology, transport and communications, environmental protection, humanitarian action, education, culture, food, water resources, energy, and mineral resources. It is expected to delegate some of its powers and functions to the Specialized Technical Committees. The Executive Council has also the responsibility of monitoring the implementation of policies formulated by the Assembly. For example, the Executive Council does not have the mandate to decide on intervention in member states, but once the Assembly has made such a decision, the Executive Council has the responsibility of implementing it.

Civil society organizations have opportunities to influence the agenda of the Executive Council through Specialized Technical Committees, to which the Council delegates some of its responsibilities. Indeed, on security, science, and technology issues, civil society organizations and expert panels have played important roles. For example, the High-Level African Panel on Modern Biotechnology, co-chaired by Professor Calestous Juma (Kenyan) of Harvard University and Dr. Ismail Serageldin (Egyptian) of the Library of Alexandria, prepared a report, *Freedom to Innovate: Biotechnology in Africa's Development*, that formed the main theme for the AU summit of January 2007.

On issues of governance, promotion of peace and security, provisions have been made in various AU statutes for civil society organizations to make contributions.¹⁹ Since the Executive Council is the body that prepares the agenda for the summit and considers policy proposals before the Assembly decides on them, it can provide an avenue for non-state agents to have input in decision-making in the following way. A civil society organization can make a proposal for an issue of interest through the government, which will then adopt it as its proposal and submit it to the Permanent Representative Committee (PRC) to consider it as a summit agenda. The PRC will then consider and adopt the proposal, and recommend it as an agenda item for the Executive Council meeting.

The Pan-African Parliament

The PAP, one of the AU's key institutions, was inaugurated on March 18, 2004 in Addis Ababa, Ethiopia. Its objective is to serve as a deliberative continental body, acting as a common platform for all the peoples of Africa and their grassroots organizations to get more involved in discussions and decision-making on the problems and challenges besetting Africa. Based in Midrand, South Africa, the PAP comprises five legislators nominated from each of the states that have ratified the Constitutive Act. As of early 2007, it had 235 legislators from the 47 states that had ratified the Act. The legislators are expected to work only part-time in two sessions of 30 days each per year.

At the time of writing, the PAP only has a consultative and advisory role in relation to the other organs of the AU. However, it is expected to eventually evolve into an organ with full legislative powers and play the vital role of implementing "the objectives and principles enshrined in the Constitutive Act of the African Union, particularly, with regard to the protection of human rights, consolidation of democratic institutions, popularization and promotion of good governance," as well as

transparency, peace, security, and stability in Africa.²⁰ With limited powers, and lacking important legislative and supervisory powers to participate in important decision-making in the AU pertaining to the budget of the organization, the PAP cannot play the oversight role in the AU system. Its powers are limited to examining, discussing or expressing opinions on any matter, such as respect for human rights, the consolidation of democracy, and the promotion of peace, stability, good governance, and the rule of law in Africa.

The annual budget of the PAP constitutes an integral part of the regular budget of the AU and it will be drawn in accordance with the financial rules of the AU and approved by the Assembly until it starts to exercise legislative powers. This means that the PAP can only give opinions and make recommendations about its budget proposals submitted to the Assembly, and it is not able to prepare an independent work plan of its own according to its own priorities. Considering the role it is expected to play in promoting AU objectives, it is a wonder how it will manage on a budget of \$6.4 million in 2007.

Just as the current structure of the AU emulates the EU, the PAP shares a few characteristics with the European Parliament. The PAP consists of equal numbers of parliamentarians, i.e., five legislators (at least one of whom must be a woman) drawn from each member state representing their national parliaments. That means the PAP members are elected or designated by the respective national parliaments or any other deliberative organs of the member state, from among their legislators. During the nomination of representatives to the PAP, the national parliaments are supposed to pay due regard to the diversity of political opinions among their national legislators. EP members were elected in a similar manner until 1979.

The fact that 20 percent of PAP members are women is significant. This contrasts sharply with the fact that there is only one woman in the Assembly, the highest decision-making body of the AU, and only two female Foreign Ministers in the very important Executive Council, which processes all matters and makes recommendations to the Assembly.

However, the composition of the PAP poses certain difficulties and dilemmas. One of these is the acceptance of the principle of representation by equal numbers of legislators from each member state irrespective of their population size. Nigeria has complained that while it has a population of 120 million, it is represented by the same number of legislators in the PAP as Sao Tome and Principe that has 100,000 people. It appears that ensuring fair and balanced representation that takes into account the member states' population sizes should be one of the issues the PAP needs to address.

The PAP is also facing the practical problem of ensuring representation of various political opinions in the continental legislative body. Presently, there are no common rules of procedure that are being applied by the national parliaments in the appointment of their legislators to the PAP. Indeed, in the majority of countries, there is no clear alignment of political forces on ideological lines, but rather on ethnic and religious lines. During the first session, the members had to be repeatedly reminded that they were serving in the PAP in their personal capacities and not as national delegates. Since it appears that PAP members would most likely promote national interests and enter into regional groupings and alliances, it follows that their decision-making will not be based on any common political platform. If the PAP members can unite along certain commonly defined political programs transcending the current prevailing diversity among the African political cultures, there could be some hope of their promoting pan-African ideals and tackling continent-wide problems. However, serious concerns have been raised about PAP members' behavior, particularly on financial matters, leaving many to wonder whether the PAP should have oversight over other organs of the AU.

The Protocol is also silent on how PAP relates to other AU organs, particularly those with the responsibilities of promoting good governance, the rule of law, human rights, and peace and security. However, Protocols such as those establishing the Peace and Security Council and the African Court of Human and Peoples Rights do recognize the role of the PAP in promoting human rights and peace in Africa, respectively. Since its launch, the PAP has faced a number of challenges, which seem to be a common trend with the establishment and operationalization of AU structures. The PAP, like other AU organs, was established despite the continent's weak capacity and the considerable financial implications of such a move both at national and continental levels. For instance, the Protocol provides that allowances shall be paid to PAP members to meet expenses in the discharge of their duties but is silent as regards the sources of finance for the allowance. It seemed some parliamentarians were not aware that each member state is expected to cover the full cost, including allowance and transport, presumably, in accordance with its own national practice as far as the determination of the amount of allowance is concerned. However, this arrangement has not worked well as a rich country, such as Libya, pays \$600 daily allowance while a poorer one, such as Guinea, pays \$150. Consequently, legislators from poorer countries have found it difficult to attend PAP meetings.

African Human Rights Court

The idea of an African human rights court can be traced back to 1961 when a meeting of African jurists in Lagos, Nigeria, suggested such a body. However, it was not until 1981 that the OAU summit in Nairobi adopted the African Charter on Human and People's Rights. It also established the African Commission on Human and People's Rights with limited advisory powers of interpreting and promoting the Charter, ensuring compliance with its objectives, and examining state party's reports. The major weaknesses of the Charter and the Commission are that they lack enforceable remedies and mechanism(s) for encouraging and ensuring state compliance with the Commission's decisions. The ineffectiveness of the Commission was displayed in January 2006 when the AU Assembly adopted and authorized, "in accordance with Article 59" of the Charter, "the publication of the 19th Activity Report of the African Commission on Human and Peoples' Rights (ACHPR) and its annexes, *except for those containing the Resolutions on Eritrea, Ethiopia, the Sudan, Uganda and Zimbabwe*"²¹ (emphasis added).

However, the glaring weakness of the ACHPR had become apparent in the 1990s, giving rise to strong feelings among human rights scholars and activists that the protection of human rights in Africa needed stronger mechanisms. This led to the OAU summit in Ouagadougou, Burkina Faso, adopting the Protocol to the African Charter on Human and People's Rights on the establishment of the African Court on Human and People's Rights in June 1998. The Protocol came into force after the fifteenth ratification of the Comoros on January 25, 2005.

The Court, which is based in Arusha, Tanzania, has 11 judges who were chosen by the Executive Council and endorsed by Assembly in January 2006. The judges serve for periods of six years, renewable once.²² The Court has both judicatory and advisory powers and met for the first time on May 2, 2006. Its powers include the interpretation and implementation of the Charter, the Protocol and other instruments concerning human rights. Although the *power rationae personae* (who is entitled to submit cases to the Court) is mainly given to the African Commission, State Parties, and African Regional Organizations, optional powers are also extended to individuals and NGOs with observer status in the African Commission. No appeals will be allowed, but under certain circumstances, the Court can interpret or review cases on which it has ruled.

The Peace and Security Council

This is the main AU body charged with the responsibility of promoting peace, security, and stability. Conceived as a tool for promoting collective security in Africa, the PSC is composed of 15 members elected on the basis of equal rights—10 for two-year terms and five for three-year terms.²³ Among the criteria for PSC membership is a country's "contribution to the promotion and maintenance of peace and security in Africa," and "respect for constitutional governance . . . (and) rule of law and human rights." The protocol that established the PSC was ratified in December 2003 and the first meeting of the PSC at ministerial-level took place in March 2004. The AU Assembly formally launched the Council two months later.

The PSC functions include promoting peace, security, and stability in Africa; anticipating conflicts and undertaking preventive diplomacy; and making peace through the use of good offices, mediation, conciliation, and enquiry. The PSC may also undertake Peace Support Operations (PSO) and intervention, pursuant to Article 4(j) of the Constitutive Act; engage in peace-building and post-conflict reconstruction; and undertake humanitarian action and disaster management. It has the power to institute sanctions whenever an unconstitutional change of government takes place in a member state, in contravention of the Algiers Decision and the Lomé Declaration. The PSC also has the mandate to promote and implement the Common African Defence and Security Policy; the Convention on the Prevention and Combating of Terrorism; and international conventions and treaties on arms control and disarmament. It may also take appropriate measures to defend the national independence and sovereignty of a member state that is threatened by acts of aggression, such as mercenaries.

The Economic, Social and Cultural Council

The Economic, Social, and Cultural Council (ECOSOCC), which was launched in Addis Ababa on March 29, 2005, aims to give African CSO a role to play in AU policy formulation and decision-making. Composed of professional groups, NGOs, social groups, community-based organizations, workers, religious and cultural groups, and consisting of 150 members, ECOSOCC is an advisory organ of the AU. During the inauguration of ECOSOCC, the AU Chairperson, Alpha Konare, claimed this organ was created to serve as a tool "against authoritarian regimes, hostile external efforts and the negative waves of globalization."

ECOSOCC is expected to provide a solid foundation for democracy, and to promote respect for the rule of law and human rights, democratic transformation and good governance. It had an interim mandate from March 2005 to March 2007, during which time it was to ensure that its sub-regional and national structures were in place and CSO had started influencing policy changes within the AU by engaging its sectoral clusters.²⁴ The inclusion of ECOSOCC in the AU system is of great historical significance in the sense that it recognized the role of African CSO in the continent's development. It is also a reaffirmation of the 1990 *Arusha Charter on Popular Participation* that recognized the importance of CSO in governance and development. It represents a radical departure from the OAU days when civil society was viewed with hostility. The 2001 OAU summit in Lusaka stressed the importance of involving CSO in Africa's integration process, as well as in the formulation and implementation of the AU program, and called for the formation of ECOSOCC.²⁵

When fully operational, ECOSOCC will not only enable African people to contribute to the programs and decisions of the AU, but also to assume ownership of these programs and play a role in their implementation. This engagement will also be extended to other AU organs such as PSC, PAP, African Court of Human Rights, and specialized committees. Nevertheless, ECOSOCC is facing a number of critical challenges that could affect its effectiveness. First, like the other AU organs, it has no funds. Second, many African governments are still very uneasy with CSO and continue to treat them with coldness. And third, most African CSO have weak institutional capacity and most of them would fail the "good governance, transparency and accountability" test.

The AU Commission

The AU appears to have centralized power within the Commission, the administrative structure, which runs the organization in-between summits. The Commission is the secretariat of the Union and its executive organ. There are major differences between the AU Commission and the OAU Secretariat, because theoretically one individual does not dominate the Commission. Alpha Oumar Konare, a former President of Mali and the inaugural Chairperson of the Commission, is assisted by a deputy and 11 commissioners, who represent different sub-regions of the continent.²⁶ Until January 2007, there were 10 commissioners, half of them women, who were supposed to be selected on the basis of their competence, experience, and leadership. However, during the January 2007 summit in Addis Ababa, a decision was taken

to create three new positions for commissioners. The reconfigured Commission is shown in Figure 2.2.²⁷

The last OAU Secretary-General, Amara Essy, expressed serious concern that the commissioners would be elected, making them political appointees answerable to the Assembly instead of being responsible to the Commission Chairperson.²⁸ He argued that this would undermine the performance of the new organization as it would be bogged down in a struggle similar to the one the OAU experienced between “the secretary-general and his assistants, because they were all elected” and had political support that made them “do what they wanted.”

There is an overwhelming concern within the entire Union that the Commission is doing everything and wants to run the AU system. Since the Commission has been providing the secretarial support for the PSC, its members have looked like the former’s invitees. The Commission has been setting the PSC timetable, proposing its agenda, preparing its draft reports, and drafting communiqués, which are usually provided only minutes before the meeting for consideration and adoption. The PSC has also shown little commitment to the technical matters of drafting and analysis of fact. Ideally, countries on the PSC should have full-time ambassadors serving in the council

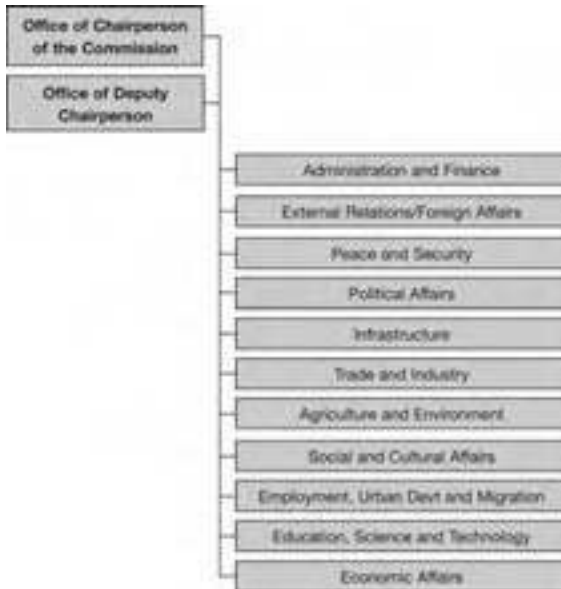


Figure 2.2 Proposed structure of the African Union Commission.

during the duration of their terms instead of the present arrangement where ambassadors are concurrently serving the AU, the UN, Ethiopia, and other countries in the region.

As a result of the weaknesses of the PSC members, the Commission has assumed the lead role of implementing the AU's peace and security agenda, including the management of funds donated for its implementation. There have also been cases when the Commission has taken decisions which should have been taken by the PSC. For instance, during the 50th PSC session, members felt that they were being presented with a *fait accompli* to send an AU military force to eastern DRC to disarm groups operating in the region with impunity. While the Commission argued that PSC member states ought to have acted quickly in view of the deteriorating security situation, the latter felt that such an important operation requiring the use of force should have a clear mandate and should be taken after consultation with their governments. On another occasion, the Commission did not seek an endorsement of the PSC before asking South Africa to send extra troops to the AU Mission for the Support of Elections in the Comoros in April 2006.

The above is an indication of serious flaws in the organizational structure. Ideally, the Commission is supposed to be the administrative arm of the Union and not a decision-making body. It should only implement decisions made by other bodies. By acting as the custodian of AU documents, as well as the maker and interpreter of rules, procedures, and regulations, it has acquired unlimited and overwhelming power. Bodies such as the PSC are further held at the Commission's mercy, as the latter controls the purse.

Within the Commission, there is also concern about how one department is the darling of the donors while others are virtually unnoticed and unheralded. For instance, the department of political affairs that also deals with issues related to political stability, human rights, and humanitarian assistance is generally ignored even when it comes to responding to humanitarian crises such as the one in Darfur. The PSC Protocol generally ignores this important department entirely despite the fact that its work is relevant to the PSC's functions.

It is also apparent that power struggles, besides donor interests, are playing a key role in establishing AU organs, structures, and mechanisms. Those who control political power and the purse appear to be driving institution-building from back to front. For example, instead of first identifying Africa's needs and priorities, and then designing strategies for addressing them, the structures were set-up and their missions were only identified later. Although many of the structures and mechanisms

have now been assigned homes, it remains to be seen when they will be launched in view of the fledgling performance of the latest structure to be launched, the PAP. This organ is struggling to get on its feet and define its role in promoting Africa's development, stability, and peace. It remains to be seen how effective the Human Rights Court will be once it starts functioning. Even ECOSOCC has yet to live up to its expectation as the forum for CSO to influence Africa's development agenda.

In summary, the AU is an over-ambitious organization that was modeled on the European Union, which took over four decades to evolve to its present state. Although the mantra of the AU in 2002 was a "new organization, new ideals, new objectives, new leaders, and a new era for Africa," the jury is still out as to whether it has lived up to these expectations. In the final analysis, it is the political will, money, and a new mindset that will determine whether the AU succeeds or remains another African experiment.

Relations with other organizations and initiatives

The creation of the AU was a reflection of African leaders' attempts to redefine their identities and interests in a changing world. Although the Constitutive Act does state that one of the objectives (Article 3[e]) of the AU is to "encourage international cooperation, taking due account of the Charter of the United Nations," it does not state how this cooperation would take place. However, the role of the UN and other international organizations is clearly acknowledged in the promotion of the AU peace and security agenda. Article 17 of the PSC Protocol states that "in fulfillment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security." It states further that the PSC "shall also cooperate and work closely with other relevant international organizations on issues of peace, security and stability in Africa."

The Constitutive Act also acknowledges the importance of RECs in the attainment of the AU objectives and aims (Article 3[i]) to "coordinate and harmonize policies between existing and future" RECs. This coordination and harmonization has been a major topic of discussion within AU organs, particularly in the Assembly, the Commission and the PAP. While questioning the relevance and contributions of NEPAD, the PAP in May 2006 called on the AU Assembly to address the problem of overlapping mandates and capacities of the RECs.

The OAU/AU has had a long-standing objective of creating a political and economically united Africa along the lines of the United States and the EU. As a result, efforts to harmonize Africa's political, economic, security, social, and cultural development have traditionally received priority. A brief examination of the seminal calls for regional integration is illustrative.

Initial moves on regionalism

The attempt to harmonize and rationalize African RECs can be traced to 1976, when the OAU Council of Ministers called for the creation of a regional framework of five regions—the Northern, Southern, Eastern, Central, and Western—as the foundations towards attaining continental unity.²⁹ The Lagos Plan of Action in 1980 and the Abuja Treaty of 1999 (Article 6.2[a]) called for the strengthening of existing regional economic communities as a basis for integrating Africa. In 1987, the OAU Assembly requested the OAU Secretary-General and the Executive Secretaries of the ECA and the African Development Bank to work closely with authorities in ECOWAS, the Preferential Trade Area, the Southern African Development Coordinating Committee, and the Economic Community of Central African States (ECCAS) towards harmonizing their policies in order to achieve unity.³⁰

This, however, did not prevent the growth of regional organizations in Africa. The uncontrolled establishment of RECs has created serious inefficiencies, duplication, unintended overlap, and even dissipating efforts and scarce resources that should be frugally directed towards the goal of building an effective African Union.

Proliferation of African RECs

The proliferation of RECs has to be understood against the fact that African leaders regarded the decade following the end of the Cold War as a definitive period for peace, security, and development. First, the nature of conflict was changing and becoming regionalized. This not only led to the reconceptualization of peace and security in sub-regional terms, but also brought to the fore sub-regional powers, particularly in Southern and West Africa, and influenced RECs to establish mechanisms to promote peace, security, and stability. Second, it was during this period that RECs realized that development and regional integration initiatives were being undermined by insecurity. In other words, they saw a strong correlation between security and development.

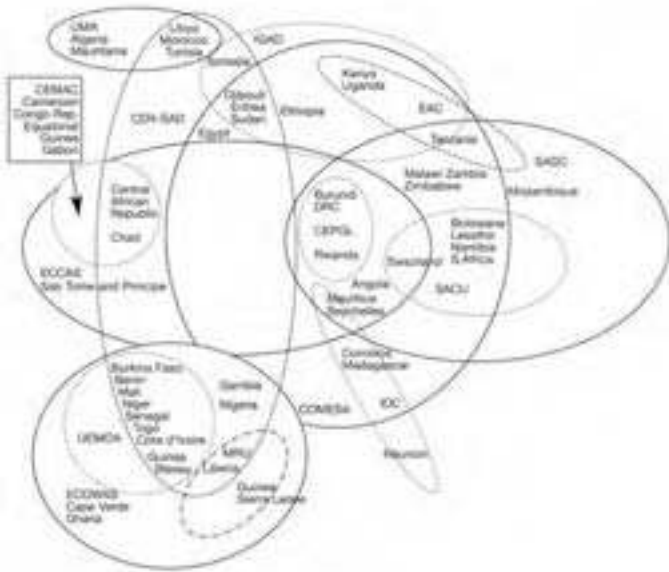


Figure 2.3 The proliferation of African Regional Economic Communities.

Deepening relations with RECs

The process of deepening OAU/AU relations with RECs was pursued with vigor from the 1990s, especially after African leaders concluded that the challenges of persistent conflict, underdevelopment, poverty, and globalization could best be addressed through integration. Accordingly, the formation of the AU was propelled by an understanding that peace, security, and stability were necessary conditions for the implementation of the development and integration agenda. The architects of NEPAD also concluded that security, democracy and good governance, human rights, and sound economic management were necessary conditions for sustainable development.³¹ Therefore, the task ahead was how to forge a close working relationship between the AU and RECs in the promotion of peace, security, stability, and development. The PSC Protocol acknowledges the importance of “regional mechanisms” as building blocks for its peace and security architecture and a memorandum of understanding has been drafted to elaborate the working relations, and define the responsibilities, between the AU and RECs.

As part of the continuing efforts to deepen OAU/AU relations with RECs, the July 2001 OAU summit in Lusaka adopted a resolution that reaffirmed the status of RECs as the building blocks of the AU.³² African leaders also underlined the need for the RECs' close involvement in the formulation and implementation of all AU programs. The Assembly also mandated the OAU Secretary General to undertake steps to re-examine the implications of the AU-RECs relationship, with a view to amending the existing Protocol between the African Economic Community (AEC)³³ and the RECs or prepare a new protocol to govern the relationship between the AU and RECs.

These decisions reflected the fact that some RECs had established their own mechanisms for conflict prevention, management and resolution, and acquired experiences that would be useful for the AU as it embarked on the arduous task of setting up a continental peace and security architecture. In particular, ECOWAS has had PSO experiences in Liberia and Sierra Leone and established mechanisms for conflict prevention, management, resolution, peacekeeping, and security such as the Defence and Security Commission, the Security and Mediation Council, the Council of Elders, Peace and Security Observation Early Warning System, and the ECOWAS Ceasefire Monitoring Group.

IGAD, in Article 7 of its Charter, established the promotion of peace and stability as a priority. To achieve this objective, IGAD has set up a conflict resolution mechanism with two organs comprised of the Assembly of heads of state and government and the Council of Ministers. IGAD also has a conflict early warning and response mechanism that was established in 2002.

Although the countries of Southern Africa had been cooperating on defense and security since the 1970s, when the Frontline States formed a partnership to support the liberation struggles, it was not until 1998 that the Organ on Politics, Defence and Security was created within SADC as a mechanism for preventing, managing, and resolving conflicts. Despite the unresolved structural arrangements and its legal relationship to the SADC Treaty, the Organ has played crucial roles in the Great Lakes and Angolan conflicts. Of relevance to the construction of the AU's peace and security architecture are ECCAS's Organ for the Prevention and Consolidation of Peace and Security of Central Africa, AMU's Council of Common Defence, and CEN-SAD's PSO initiatives in the Central African Republic and Chad.

Even before the relationships between the AU and RECs were institutionalized in the Constitutive Act of the AU, the OAU Mechanism for the Prevention, Management, and Resolution of Conflicts had

already recognized the significant and essential role that RECs were playing in promoting peace in Africa. Paragraph 25 of the OAU mechanism states that the “OAU shall closely coordinate its activities with African Regional and Sub-regional Organizations and shall cooperate as appropriate with the neighbouring countries with respect to conflicts which may arise in the different sub-regions in the continent.” Since then, the OAU/AU has actively involved RECs in the promotion of peace and security in their respective areas.

It is not then surprising that when the AU was launched, its founders were acutely aware that RECs already enjoyed some comparative advantage in undertaking certain peace initiatives. It was with this understanding that they highlighted the relationship between the AU and RECs in the protocol that established the PSC. However, there has been a continuing concern that the AU and RECs cooperation in peace and security matters has been unstructured and uncoordinated. This issue highlights the need to bring clarity, coherence, and structure to the AU and RECs cooperation in peace and security.

Since 2005, there has been increased interest to rationalize the existing RECs. For instance, in October 2005, a consultative meeting for the Central, Northern, and Western regions was held in Accra, Ghana, and a similar meeting for Southern and Eastern regions was held in Lusaka, Zambia, in March 2006. This issue was picked up by the PAP in May 2006 and the AU summit in Banjul in July 2006. Among the proposals put forth were either to maintain the current status, adopt a sectoral approach or merge the organizations.

Conclusions

The success of the AU will, to a large extent, depend on several factors. The first is the extent to which its members are willing to pool their sovereignty in the interest of the continent. It is only with one voice that Africa can address issues of common concern such as debt, unfair international trade terms, ecological problems, and the HIV/AIDS pandemic. The second is that the integration process needs to be directed by an astute, inspiring, consistent, and focused political leadership that is fully committed to Africa’s unification. Libya, South Africa, and Nigeria have provided the initial leadership, but it needs to be broadened to include other forward-looking states. Moreover, the status of these three as role models, were they to be considered so, would be questionable.

Third, the AU needs unwavering, universal goodwill and support of the African people. The Union will continue to be challenged on its democracy, accountability, and transparency record so long as some

of its members continue scoring low marks on the good governance scales. So far, it is governments that have driven the AU, but the Union would have to broaden its ownership to include the African people, who would need to be consulted regularly.

Fourth, the AU needs to ensure that it has adequate funding for institution building and to support activities. Among the things that the OAU bequeathed the AU were bad habits such as membership payment defaults and a highly inept staff. When the OAU was being folded, all but four members owed it \$53 million. While the OAU had an annual operating budget of \$30 million, the AU's is conservatively estimated at \$500 million. It is still being figured out where the AU will get this money to run its 18-plus organs. There have been many proposals put forth on how the AU could meet its operating costs in view of the reluctance of African states to meet their membership obligations. These proposals have ranged from taxing air travel to imposing a special tax on all citizens of the member states. Indeed, the AU faces a major challenge of raising funds from its members who also have a dubious distinction of having the worst performing economies in the world; 35 out of the 42 poorest countries in the world are in Africa. As a result of the weak financial base, the AU has come to rely heavily on donors to implement its programs and projects. This, in turn, has exposed the organization to the donors' agenda, which in some cases has been different from Africa's. The donors' support of AU activities, such as the Darfur mission, has been most laudable but also caused some concerns about making the Union dependent on external support.

Last, but not least, the AU needs to proceed with speed to adopt and implement continental common policies. Good policies *per se* amount to nothing unless there are competent people to carry them out. In the final analysis, the mantra of the AU as a new organization, with new ideals, objectives, and leaders, will be determined by a strong political will, availability of money, and a new mind-set. This is what the reconstruction of identity and interests entails.

3 Governance, democracy, and the rule of law

One of the main factors behind the formation of the AU was the determination of its founders to promote and protect human rights, enhance democratic structures, and encourage good governance. They considered these issues, as well as others, such as constitutionalism and respect for the rule of law, to be crucial for the pursuit of security and development. The Constitutive Act of the AU adopted these ideals as some of its objectives and principles, in addition to popular participation, gender equality, and social justice.

As of this writing, the AU was in the process of adopting a Charter on Democracy, Elections and Governance (hereafter Charter on Democracy).¹ The main objectives and principles of the Charter elaborate the elements of democracy in the Constitutive Act. The Charter on Democracy also seeks to eradicate corruption, embed a culture of peace, and establish an enabling environment for democratic consolidation, including the institutionalization of opposition political parties. It aims also to promote the separation of powers and checks and balances, representative government through free and fair elections, and civilian control of the security sector (Article 3).

Achieving these objectives would require collaboration among various agents: the AU, RECs, African states, civil society organizations, and the donor community. A crucial element in this process is the recognition that the African people need to be consulted and to participate in the pursuit of the AU's objectives and principles. Theoretically, this represents a normative jump from the state-centrism of the OAU to the apparently people-centred processes and activities. If successful, it could represent a move from the culture of impunity to "the responsibility to protect" vulnerable populations.

Governance, democracy, and the rule of law require appropriate mechanisms at the local, state, and continental levels. Indeed, the AU objective of promoting "democratic principles and institutions, popular

participation and good governance” (Article 3[g]) cannot be achieved across the continent unless there is cooperation between the local, state, and continent-wide governance structures. Ideally, this means not only the existence of democratic mechanisms at the three levels, but the absence of corruption and a commitment by those who manage these mechanisms to permit CSO and the people to participate in decision-making. Such a situation is a long way off because of several factors: the differing political and legal systems in Africa; the lack of knowledge of the AU on the part of the people at the local level; and the fact that some African states are still ruled by leaders who do not accept that they are accountable to the people they rule.

The rest of this chapter is divided into three parts. The first discusses briefly some of the terms and concepts used in this chapter. The second examines the nature of corruption and efforts by the AU and NEPAD to address it. The third analyzes political leadership and examines options for overcoming constraints that African leaders face.

Conceptual issues

What do we understand by the terms governance, democracy, and the rule of law? The simple answer is that the meanings of these concepts are historically contingent and, therefore, vary from one period to another, and from one geographical location to another. Even in the same era and within the same geographical location, their definitions can be hotly contested.

Governance

As stated in the Introduction, governance occurs at various levels of social activity, from the village to the state and the global system. The Commission on Global Governance has claimed that governance is “a continuing process through which conflicting and diverse interests may be accommodated and co-operative action may be taken.”² From this perspective, governance would describe the structures, rules, and institutions which African people have established for managing their political, cultural, economic, and social affairs. Governance has also been used to refer to formal and informal sets of arrangements. For example, Goran Hyden has defined governance as “the conscious management of regime structures with a view to enhancing the legitimacy of the public realm.”³ Governance sometimes implies that the management of mega-policy issues such as the environment, security, and development

cannot be left to governments alone. Therefore, village associations, women's organizations, ethnic networks, and other NGOs may be involved in decision-making processes.⁴

This means that the legitimacy of government decisions is judged, in part, by the level of consultations policy makers have had with civil society. It is for this reason that governance has been used to refer to subnational, national, and transnational networks. A system of governance can be crucial for the utilization of globalization processes and the management of security, because it involves institution building, the generation of new norms, and the management of societal change. This is why the Charter on Democracy seeks the creation of an enabling environment for sustainable development, stability, peace, and security through political, economic, and social governance.

There are also various types of governance: bad governance, cooperative governance, corporate governance, global governance, and good governance, among others. Since the 1980s, the World Bank and the International Monetary Fund (IMF) have used the term "good governance" to refer to a particular type of political and economic order underpinned by a neo-liberal ideology.⁵ Although the IMF and the World Bank had in the 1990s incorporated a requirement for "good governance" as part of its structural package, they had only narrowly defined it "in terms of governmental efficiency and the absence of corruption."⁶ It was not until 1999 that they broadened the definition to include governmental transparency and accountability, increased popular participation in the policy-making process, and the building of democratic structures.⁷ Hence, for the World Bank and the IMF, "good governance" is associated with the spread of liberal democracy, leaner bureaucracies, accountability, transparency in governments, and free markets.

However, the World Bank and the IMF's version of "good governance" has also had undesirable features, which have caused considerable pain to the African people and diminished the internal legitimacy of African governments. Their model of good governance has raised serious ethical questions. For example, is it morally acceptable for African policy makers to give export crops priority over food crops? Is it ethical for poor African states to spend large portions of their income on debt repayment while their own people are starving? Why should the new generations of Africans meet the cost of debts that can be blamed on both the borrowers and the lenders in the earlier period? There are no simple answers to these questions, but democracy empowers the African people to raise them.

Democracy

Although definitions of democracy have widely varied, it has generally been described as a political system whose “main features are free competition among political parties, periodic elections, and respect for the fundamental freedoms of thought, expression, and assembly.”⁸ This is why the Charter on Democracy (Article 3) identifies the following among its principles: regular, transparent, free, and fair elections; representative government; respect for human rights; separation of powers; popular participation; and constitutional transfers of political power. The Charter on Democracy goes further and links democracy to human security, sustainable development, and peace (Chapter 5). It associates democracy with human rights by seeking the commitment of African states to promote democracy alongside the rule of law and human rights (Article 4(1)). In Article 27, it also recognizes “freedom of expression, in particular freedom of the press,” as an essential ingredient of good governance.

As one of us has posited, democracy is “a way of government firmly rooted in the belief that people in any society should be free to determine their own political, economic, social, and cultural systems.”⁹ Larry Diamond also describes democracy as “a civilian, constitutional, multiparty regime, with competitive elections.”¹⁰ A survey of the literature reveals that the different definitions of democracy revolve around several themes: consent, popular participation and accountability.

Consent simply refers to the unforced agreement of the electors on the procedures governing the distribution of political power and decision-making within their society. This does not mean unanimity on specific issues, but it implies recognition that all human beings are equal. Consent also conveys the view that citizens are sovereign in their own political community. This latter position has been accepted by only some African leaders; others believe that sovereignty resides in them and that they can do as they like within their states.

Popular participation, particularly through “universal suffrage,” is recognized by the Charter on Democracy (Article 4(2)) as “the inalienable right of the people.” It is used in this chapter to refer to conditions in which the majority of the African people have relatively equal opportunities to express their views about the policies and decisions that govern them. It implies equal access to elections, including the one-person, one-vote formula, and equality before the law, which connotes an opportunity to redress grievances and resolve conflicts peacefully. Popular participation also implies the freedom to

organize political parties and civic organizations, and equal access to the mass media. Chapter 7 of the Charter on Democracy defines the conditions under which democratic elections should be conducted, with particular reference to the AU Declaration on the Principles Governing Democratic Elections in Africa.

Accountability in this context means the existence of mechanisms in which those who exercise power, namely the African leaders, have to justify their actions before the electors. It entails continuing efforts by the political leaders to seek the approval of the ruled. Accountability is only possible if the citizens of African states understand their rights, responsibilities, and opportunities. Some African states, which consider themselves democratic, appear to fall short of meeting the requirements for consent, popular participation, and accountability. This could also explain why such states are dogged by violence and rampant violations of human rights. The Charter on Democracy seeks to stem this practice by calling on African states to “commit themselves to democracy, the principle of the rule of law and human rights.” It further calls on African states to “ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.”

Efforts by the AU to promote democracy need to be understood against the fact that this form of rule has eluded Africa on various occasions. African states enjoyed democracy briefly following independence in the 1950s and 1960s. However, before it could take root, dictatorship set in and lasted until the early 1990s. In such situations, it is one thing to have a multiparty system and regular elections, but quite another to consolidate democracy.

Democratic consolidation refers to a situation in which a transition from an authoritarian phase is completed. The introduction of democratic ideals and practices in societies that had lived under oppressive regimes for many years is a daunting challenge. As some critics have argued, a transition from an authoritarian rule is one in which there is an “interval between one political regime and another ... delimited, on one side, by the launching of the process of dissolution of an authoritarian regime and, on the other, by the installation of some form of democracy.”¹¹ In other words, a transition takes place when wholesome change has taken place in a political system and “not just in the individuals holding positions of political power.” This change has to take place also “in the assumptions and methods of the political system, in how the system legislates, formulates, and implements policies, and in the ways in which individuals gain access to power.”¹² Such a transition can be influenced by a number of factors, such as the

length of time the authoritarian regime was in power, the methods it employed to exercise power, and the level of knowledge people have about their rights and responsibilities. In a country like the DRC, where Mobutu's dictatorship lasted more than three decades, democratic consolidation is likely to be a slow process. According to Juan Linz and Alfred Stepan, a society would have consolidated its democracy when there is broad consensus among its members that democratic practice is the only acceptable type of rule, or "the only game in town."¹³

Democracy is consolidated when democratic norms and institutions are strengthened and the new regime "does not have the perverse elements undermining [democracy's] basic characteristics."¹⁴ Adam Przeworski contends that for democratic structures to last they must be fair by giving "all the relevant political forces a chance to win from time to time," and make "even losing under democracy more attractive than losing under non-democratic alternatives."¹⁵ In the current international climate, democratic consolidation in Africa is likely to be undermined by corruption, external interference, and the "war on terror," which has tempted some governments to disregard the rule of law.

Rule of law

The rule of law is predicated on a number of factors, including the assumption that the law must "be universally heeded, that is, obeyed and complied with."¹⁶ According to Ishmail Mohammed, the rule of law implies five assumptions. First, the law is sovereign over all authorities, including the government. Second, the law must be clear and certain in its content and accessible and predictable for the subjects. Third, the law must be general and universal in its application. Fourth, the judiciary must be independent and accessible to every aggrieved person, whatever his/her status. Fifth, the law must have procedural and ethical content.¹⁷ Based on the above understanding, it could be argued that the rule of law in Africa is achievable where there is a clear separation of powers between the judiciary and the executive, and the judiciary is insulated "from political pressure to decide particular cases in certain ways."¹⁸

A former Chief Justice of Tanzania, Francis Nyalali, has said: "[I]ndependence of the judiciary, impartiality of adjudication, fairness of trial, and integrity of the adjudicator are so universally accepted that one may reasonably conclude that these principles are inherent to any justice system in a democracy."¹⁹ Nyalali further observed: "[T]here is no doubt that these same principles are part of the African

dream, resulting from the liberation struggle against colonial and racial oppression . . . They are inherent to the statehood which came into being when our respective countries became politically independent.”²⁰ The consolidation of the rule of law in Africa would depend on the political leaders and other powerful individuals or groups desisting from attempting to subvert justice for their own private interests. The Charter on Democracy identifies (Article 10) constitutionalism as a way of universalizing democratic principles. Additionally, the principles of “the right to equality before the law and equal protection by the law” are regarded “as a fundamental precondition for a just and democratic society” (Article 10[3]). Being cognizant of the fact that principles need to be reflected in societal norms and values and to be implemented through concrete structures, the Charter on Democracy (Chapter 5) calls on African states to “develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace.”

Military coups and unconstitutional changes of government have significantly decreased since the adoption of the 2000 Lomé Declaration on Unconstitutional Changes of Government, and the adoption of a principle in the Constitutive Act that condemns and rejects this practice. However, the 2005 military and constitutional coups in Mauritania and Togo, respectively, pointed to the need to strengthen the existing mechanisms. It is in meeting this need, and in recognition of the negative impact of security apparatuses on the consolidation of democracy and the rule of law, that the Charter on Democracy (Article 14) seeks to “strengthen and institutionalize constitutional civilian control over the armed and security forces.” To give teeth to the AU’s mechanism, the Charter on Democracy prescribes (Chapter 8) various measures that are to be taken in cases of unconstitutional changes of government.

Although the above concepts and issues are enshrined in the Constitutive Act, they require well-established structures, strategic leadership and political will to entrench them as African norms that can, in turn, lead to the emancipation and empowerment of the African people. The extent to which the AU implements its principles will depend on the existence of an enabling environment that is free of corruption.

Preventing and combating corruption²¹

Africa’s chances of turning globalization into a force “with a human face,” pursuing peace and security, and achieving social, economic, and

political development, are closely linked to good governance. However, good governance cannot co-exist with rampant corruption. Corruption has taken advantage of the globalization of markets and is increasingly involving a wide range of activities. Some of these include drug and arms smuggling; money laundering; the forging of passports, some of which have been used by terrorists; and plundering Africa's resources, such as minerals, oil, forestry products, and wildlife. These criminal activities have denied African economies the fuel they need to propel themselves forward. There are, indeed, correlations between corruption and poverty, and between corruption and insecurity, as the situations in Liberia and Sierra Leone demonstrated in the 1990s. In order to make progress on development, the AU and its member states would need to tackle corruption by exploiting the symbiotic relations between globalization, security, and governance.

According to John Githongo, a former senior anti-corruption official in Kenya, "corruption—in particular grand corruption and looting of the kind that has tangible economic implications—is at the epicenter of the failure by many African countries to achieve economic objectives so finely articulated in their development plans."²² In a report presented in September 2002, the AU estimated that corruption costs African economies in excess of \$148 billion a year. The direct and indirect costs of corruption represent 25 percent of Africa's GDP and often increase the cost of goods by as much as 20 percent.²³ These figures hardly tell the whole story, namely the fact that a huge number of Africans have been denied opportunities for emancipation and empowerment. In a nutshell, corruption has retarded development, and thereby enhanced the potential for insecurity, by weakening state institutions, diverting public resources into private hands, undermining indigenous entrepreneurship, scaring away foreign investors, and closing off avenues for human emancipation.

It was against this background that the AU Assembly adopted in July 2003 the Convention on Preventing and Combating Corruption (hereafter Anti-Corruption Convention), which aims at establishing effective measures and actions that prevent, detect, punish, and eradicate corruption and related offences. This Convention, once ratified, would complement the NEPAD Action Plan, which calls for setting up a coordinated mechanism to combat corruption. However, this top-down approach to corruption appears to have been aimed at hoodwinking donors and is unlikely to succeed. Moreover, this approach does not appear to take into account the possibility that, in some cases, the state may have become "a vehicle for organized criminal activity."²⁴

Understanding corruption in Africa

Corruption is prevalent in Africa because of many factors, including personal greed; the internalization of bad habits; the misperception that politics is the road to prosperity; weak government structures; ethnic ties and considerations; and the poor remuneration of civil servants. These factors have generated corruption from the local governance authorities, through the state and RECs, to the OAU/AU.

The plundering of the Congolese, Liberian, and Sierra Leonean economies by Mobutu Sese Seko, Charles Taylor, and Foday Sankoh, respectively, was largely due to personal greed. However, these leaders, who used the state for criminal activities, exploited an atmosphere in which the populace thought it was alright to steal from the state. Thus, the people had internalized bad habits.

By the internalization of bad habits, we mean the existence of a culture of corruption, which cannot be eliminated by the removal of a president, the sacking of a corrupt minister or the jailing of a corrupt judge/magistrate. Corrupt practices have shaped the identities and interests of individuals and social groups to the extent that some of them cannot tell the difference between wrong and right actions. People acquire bad habits through schools, football clubs, social groups, and the recruitment to political party and government offices. This form of corruption is produced by, and helps to generate, vices such as nepotism, cronyism, patronage, and tribalism. It also helps to buttress other criminal activities, such as drug and arms smuggling, and the plundering of national economies. It is these activities that continue to undermine good governance, democracy, and the rule of law. These vices are likely to make it difficult for some states to benefit from the dynamic tension between globalization, security, and governance.

In addition, since independence, aspiring politicians and civil servants have regarded the African state as a “cash cow.” African politicians and civil servants have reversed Karl Marx’s thesis that it is the economic base that determines political power. In Africa, political office, or a senior civil-service position, has served as the road to prosperity for those who occupy them. The desire to exploit the state for personal gain has led to corruption in the recruitment process, the awarding of tenders, and the management of parastatal organizations. According to Jeremy Pope, the founding executive director of Transparency International, most corrupt governments have “a hopelessly corrupt political elite—a political class across the spectrum that simply sees politics as a way of becoming wealthy.”²⁵ Pope warns that it would be difficult to combat corruption in Africa “as long as politics

is seen as the path to wealth.” Bayart, Ellis, and Hibou have observed that while countries in other parts of the world have been tainted with corruption, “in Africa, the interaction between the practice of power, war, economic accumulation and illicit activities . . . forms a particular political trajectory.”²⁶

The exploitation of the state for private gain has left state structures weak. According to William Kalema, a member of the Commission for Africa, instigated by the British Prime Minister, Tony Blair, one of the reasons why corruption is widespread in Africa is the steady erosion of governance structures to the point that they are too weak to function properly.²⁷ This is why Aminatta Forna claimed: “Corruption is not, as is often hinted, some sort of cultural weakness—even if it has, sadly, become the norm. Africa’s problem is that the structures designed to provide checks and balances on the leadership are often neither sufficiently strong nor independent.”

Fighting corruption in Africa cannot be the responsibility of Africans alone. Multinational corporations, international organizations, Western countries, and increasingly China, have to play a part. As of this writing, China was not interested. The West has frequently expressed concern about the adverse effects of corruption and demanded that Africans adhere to certain standards of behavior, but none of the G8 governments has ratified the UN Convention Against Corruption. However, 29 countries – 15 of them African – have ratified the convention.²⁸ Disturbingly, the West has sometimes turned a blind eye to “the criminalization of the state in Africa.”²⁹ For example, Western government officials have connived with African leaders who have illegally permitted Western chemical industries to dump toxic waste on the continent. Moreover, Western companies have not only continued to bribe African public officials, but also continue to deduct these bribes from their taxes. In addition, offshore tax havens, such as British Jersey, are used as conduits for bribery payments made in Africa. Despite the OECD’s promise in 2004 to close these channels, the companies registered on these offshore islands have continued to pay bribes with impunity. This partly explains Aminatta Forna’s argument that “Africa doesn’t have the monopoly on corruption.”³⁰

AU and NEPAD anti-corruption measures

Both the AU and NEPAD have issued blueprints for fighting corruption—the Anti-Corruption Convention and the NEPAD Action Plan. However, both documents appear to be predicated on the assumption

that African leaders, many of who still benefit from corruption, will spearhead the fight.

As of this writing, the AU's Anti-Corruption Convention had been signed by 36 states and needed 15 of them to ratify it before coming into force. Some of the objectives of the convention are to:

- promote and strengthen the development of mechanisms to prevent, detect, punish, and eradicate corruption and related offences in the public and private sectors;
- promote, facilitate, and regulate cooperation among states of effective measures and actions to eradicate corruption and related offences;
- coordinate and harmonize the policies and legislation among African states that would eradicate corruption;
- promote socio-economic development by removing obstacles to the enjoyment of economic, social, and cultural rights as well as civil and political rights; and
- establish the necessary conditions to foster transparency and accountability in the management of public affairs.

The NEPAD Action Plan makes a similar commitment “to combat and eradicate corruption,”³¹ and calls for specific actions. In the short-term, it seeks measures to facilitate financial sector assessments; international assistance for training in anti-money laundering measures; and placing the recovery of stolen assets at the highest level on the global agenda.

In the medium-term, the NEPAD Plan calls on African states to adopt relevant international conventions, standards, and best practices; permit international legal assistance in anti-money laundering matters based on accepted international legal standards; establish laws regulating the duties and responsibilities of participants in financial institutions; strengthen laws relating to anti-corruption measures and prosecutorial capacities; adopt national laws that provide for the criminalization of money laundering and financing of terrorism; and improve co-operation within and outside Africa to help recover funds illegally acquired through corruption and criminal activity that are subsequently deposited in foreign countries. In the long term, the NEPAD Plan calls on African states to develop and strengthen judiciaries to enhance their independence and international credibility; strengthen arrangements for access to courts and investigative authorities, especially in developed countries; and establish strong and reliable regulatory and intelligence authorities.

NEPAD was established to promote good governance in return for aid, investment, and debt relief. This initiative appears to have been influenced by the desire for a rethinking of the African state's responsibility towards its citizens. It is a poverty-reduction initiative that reflects the belief that African states can make progress in development only if internal governance is on solid foundations, and external trade and investment climates are transformed.

NEPAD's commitment to good governance is reflected in the African Peer Review Mechanism (APRM), an instrument for fostering political, economic, and corporate good governance, improving the efficiency and effectiveness of governments in delivering goods and services to their citizens, and creating confidence in target countries to attract support and investment.³² APRM is designed to track the progress and performance of member states in their quest for democracy, human rights and good governance. It draws its strength from the provision that allows the peer review report to be released publicly, giving members of the public a chance to suggest areas that need correction. Among the indicators on which countries are assessed are their ratification and implementation of international codes, including the African Union anti-corruption code, and the enactment and enforcement of effective anti-corruption and anti-money laundering laws. Of the four countries that had agreed to undergo the first "peer review" as of this writing, only Rwanda had ratified the AU's Anti-Corruption Convention, and only Kenya had ratified the UN Convention Against Corruption.

The APRM has a number of shortcomings. Although it is the African leaders who are supposed to review each other's performances, it is actually done by technical experts, governed by an independent panel of seven eminent persons and the African Peer Review secretariat. The heads of state and government receive the report prepared by the experts and make recommendations. This is the end of the process; they have no mandate to punish wayward member states. Furthermore, participation in the peer review process is voluntary. So far, 23 countries have acceded to the program and only three countries—Ghana, Kenya and Rwanda—have completed the review. Even after undergoing the review process, there are no indications that the recommendations dealing with corruption and other governance-related matters will be taken seriously by the country under review.

Possible ways of tackling corruption

The top-down approach to tackling corruption proposed by the AU and NEPAD has not been tried in any other part of the world. Given

the nature of corruption in Africa, this approach is unlikely to succeed. Moreover, the lukewarm reception to the Anti-Corruption Convention is a clear indication that African leaders, many of them products of corrupt practices, are not ready to dismantle the patron–client political systems that generate corruption.

Corruption is in people's minds because it has been internalized from childhood. Therefore, it is in people's minds that anti-corruption measures should start. Just as the consolidation of democracy calls for the promotion of certain values over a period of time, the elimination of corruption requires the dissemination of particular values and norms over a protracted period.

This is not to imply that corruption might not be addressed in other ways. Indeed, some African leaders have taken commendable actions that demonstrate that they are serious about containing corruption. For example, in May 2005, South African President Thabo Mbeki fired his deputy, Jacob Zuma, after he was implicated in shady and corrupt deals. In Nigeria, regarded as the second most corrupt country on the 2005 Transparency International list, President Olusegun Obasanjo fired a number of high-ranking officials, including the minister for education and the chief of police, after they were implicated in corruption.

However, as the Nigerian case shows, efforts against corruption cannot be won by firing a few corrupt high-ranking officials. Strong leadership must be complemented by a massive clean-up of the civil service, the dismantling of institutionalized corruption networks, a high level of public awareness, citizen participation in the fight against corruption, and the creation of watchdog groups. Furthermore, as Ray Matikinye points out, "studies indicate that governments lacking a strong framework of good governance, the rule of law and adequate banking regulations while clinging on to unsound investment decisions, provide fertile grounds for corruption to thrive."³³

In order for the AU/NEPAD anti-corruption measures to be successful, they must be based on a bottom-up anti-corruption strategy. Such a strategy would entail strengthening national legislation, tightening procedures and audit systems, improving public service performance, developing a culture of outrage, positively encouraging public service integrity, and strengthening governance structures.³⁴ Good governance, based on effective mechanisms of public financial management and structures of political accountability, would contain corruption by dismantling patron–client networks.

The AU and NEPAD can only play a complementary role of promoting the continental norms of accountability, transparency, and

good governance. Additionally, they could erect an anti-corruption architecture composed of CSO, national anti-corruption bodies, regional economic communities, international anti-corruption bodies and international financial houses.

The above anti-corruption strategy would work best if driven by public ownership and a committed political leadership. In other words, the ultimate responsibility of combating and eradicating corruption lies on the shoulders of the people. People need to be educated about their rights and responsibilities. They need to be made aware of how corruption closes off avenues for their emancipation and empowerment. It is when the people begin to reject corrupt politicians and leaders that the battle to contain corruption can start in earnest.

Strategic leadership

The success of the AU, and particularly its capacity to exploit the dynamic tension between globalization, security, and governance, will depend on Africa's strategic leadership. It is plausible to argue that every state has leadership. Some states have good and forward-looking leaderships while others have poor and backward-looking leaderships. Strategic leadership is a prerequisite for the realization of the AU objectives and principles. The term strategic leadership, in this context, means the capacity to provide clear vision, inspiration, and effective strategies for mobilizing human, financial, scientific, and social resources. This capacity requires creative and imaginative thinking, innovation, and entrepreneurship. Africa's strategic leaders should clearly understand the needs and aspirations of the people and value the people's input in governance.

In the context of the AU, strategic leadership is crucial for the achievement of greater unity and solidarity between African states and peoples. It is necessary for the establishment and consolidation of democracy. Such leadership is also vital for the attainment of sustainable development, the promotion of science and technology, the consolidation of peace and security, and the containment of corruption. This leadership has to be undergirded by at least three ethical principles, which are listed in the AU Constitutive Act: human welfare, security, and socio-economic justice. These principles have the potential to facilitate human emancipation and empowerment.

Since independence in the 1950s and 1960s, African states have had many types and styles of leadership. For example, Ali Mazrui has identified at least four "traditions" in the old-fashioned leadership in Africa: the elder tradition, like that of Jomo Kenyatta, 1963–1978; the

warrior tradition, like that of Idi Amin, 1971–1979; the sage tradition, like that of Julius Nyerere, 1961–1985; and the monarchical tendency.³⁵ The monarchical tendency, charisma, and the personality cult among some African leaders may have been attractive during the struggle for liberation, but in subsequent years, they hindered the development of democratic rule and strong governmental structures, and established a fertile ground for authoritarianism.

One of those leaders who had a weakness for the personality cult was Kwame Nkrumah. Mazrui, who admires Nkrumah's organizational skills, criticizes Nkrumah for his dictatorial policies. Mazrui claims that "while Nkrumah strove to be Africa's Lenin, he also sought to become Ghana's Czar." He goes on: "Nkrumah's tragedy was a tragedy of excess, rather than of contradiction. He tried to be too much of a revolutionary monarch."³⁶

Some of the aforementioned leadership traditions and styles would be regarded as subversive of the values, norms, rules, and principles on which the African Union is based. Even during the Cold War, these traditions and styles of leadership had mixed results. For example, Idi Amin's warrior tradition and intimidating style drove intellectuals out of Uganda, expelled Ugandans of Indian extraction, impoverished the country, and destroyed institutions of learning. His leadership was a classic case of dictatorship, which led to internal anarchy. Indeed, Amin's eight-year rule is one reason why Uganda fell behind its neighbors in development. Julius Nyerere's political experiment with socialism, on the other hand, attracted the world's leading leftist intellectuals to Tanzania, but as a result of the West's hostility to his policies, Tanzania's economic development stagnated. If Africa were to create conditions that would achieve human welfare, security, and socio-economic justice, it would have to recast the old-fashioned leadership traditions and styles. It would also need to keep out of power the likes of Charles Taylor and Mobutu Sese Seko, who led their countries to ruin through dictatorships and misguided goals, policies, and strategies.

The AU and many African states cry out for strategic leadership that can help governments and CSO work out the most appropriate ways of utilizing the dynamic tension between globalization, security, and governance. Strategic leadership should help to identify the resources on which policies should focus, secure markets for Africa's goods, construct structures that empower the people, and initiate productive linkages between internal agents, regional actors, and the global community.

Leadership is also about providing a role model. Would Libya, Nigeria or South Africa serve as role models for Africa? As of this

writing, none of these had the credentials to serve as a role model. Libya would be eliminated on the ground that it does not have a reputable track record on democracy. While Gaddafi may be credited with spearheading the creation of the AU, the Union has espoused principles and norms that go far beyond what Libya has achieved in human rights and democracy. Moreover, Libya's clandestine nuclear activity, at the time when it was a member of the NPT, disqualifies it as a role model.

Since the transition to democratic rule in 1999, Nigeria has made many efforts to display its democratic credentials. It has also played a key role in PSOs in West Africa over more than decade. However, Nigeria has not been a democracy long enough to demonstrate that democratic rule has taken hold. Moreover, attempts by President Olusegun Obasanjo and his supporters to manipulate the constitution to enable him to run for a third term in 2007 showed that Nigeria's democracy was still weak.

Would South Africa serve as a good role model? Since the transition to democratic rule in 1994, South Africa has assumed a prominent position in African politics. Like Libya, South Africa gave up its nuclear ambition and is a strong supporter of nuclear disarmament. However, unlike Libya, South Africa is a democracy with a multiparty system. One feature, which would make South Africa's democratic practices questionable, is the societal tendency towards one-party rule. While the state is constitutionally multiparty, the society appears to prefer one-party dominance. This is why only two parties have ruled South Africa for six decades since 1948. Under the apartheid system, the National Party dominated the political scene from 1948 to 1994. Since then, the African National Congress has dominated politics and there are no signs that it would be seriously challenged for leadership.

There is also a question mark over South Africa and Nigeria's credentials as role models. The main reason that these two have dominated debates and other issues in Africa is their wealth. They appear to be leaders largely because they are rich. At a time when the AU is promoting human rights, the rule of law, and the idea that all people and states are equal irrespective of their wealth, should leadership be accorded to South Africa or Nigeria largely because of their wealth? Nigeria seeks dominance for two main reasons—prestige and protection of its citizens' interests on the continent; while South Africa's quest for continental leadership is driven by economic interests of securing markets for its fast expanding industrial sector.

The idea of role models should not be limited to states. Individuals, such as the former South African president Nelson Mandela, can serve

as role models for Africa's future leaders. Africa need not wait for the emergence of leaders like Mandela; it can make them. After all, contrary to the old-fashioned perception that leaders are born rather than made, it has been shown that leaders of all kinds are made. For this reason, African policy makers need to give top priority to the training, development, and nurturing of strategic leaders at all levels of society. The AU organs should be used to train continental leaders and not to reward former or current government officials for service done elsewhere. Where possible, policy makers should seek to identify young people who have the potential to be effective leaders and give them the opportunities to develop their leadership skills. It is through such measures that the AU, and the states that comprise it, can exploit the complex relations between globalization, security, and governance for the benefit of their people. Indeed, initiatives, such as NEPAD, are predicated on the assumption that Africa will have strategic leaders.

Conclusions

The implementation of good governance, democracy, and the rule of law are the AU's goals. Without these, the Union would not be different from the OAU. By coming up with these values and principles, Africa's leaders signaled that they were willing to reconstruct their identities or transform themselves from dictators to democrats.

However, implementing these principles requires an environment that is free of corruption at various levels: local, national, and continental. Rampant corruption is likely to undermine the AU's ability to pursue its principles and objectives effectively. Unfortunately, the top-down approach the AU and NEPAD have taken towards tackling corruption is unlikely to eliminate the problem. The anti-corruption task requires cooperation between the AU, African states, international organizations, multinational corporations, CSO, and the people of Africa.

Moreover, fighting corruption requires strategic leadership. Without such leadership, African states and the AU might not be able to pursue its principles and objectives, contain corruption, and make good use of the complex relations between globalization, security, and governance. African states and the AU need leaders who are ready to work with the business sector and CSO to enhance good governance. The organs of the Union also play crucial roles in the pursuit of the AU's objectives and implementation of its principles. These organs also require strategic leadership. For this reason, the future of the AU depends on its capacity to train those who would provide strategic leadership.

4 Security and peace building

Security and peace have been, and remain, the scarcest commodities in Africa. The creation of the African Union (AU) raised hopes that African governments and civil society organizations (CSO) would have opportunities to address insecurity issues more promptly and effectively. However, the continuing problems in Sudan's Darfur region, Zimbabwe, and Somalia have led to a growing disillusionment about the AU's capacity to bring about rapid change.

Since the 1980s, Africa has experienced more wars, conflicts, and crises than any other continent. Many of these have taken place within, rather than between, states. Owing to the fragility of African state boundaries, some intra-state conflicts have spilt over the borders and exerted pressure on neighboring countries. For example, Rwanda's conflict severely affected Burundi, the Democratic Republic of Congo (DRC), Tanzania, and Uganda. Similarly, Somalia's conflict continues to affect Djibouti, Ethiopia, and Kenya. African states have also witnessed different levels of terrorism—both local and transnational.

Insecurity has stemmed from various factors, including bad governance, ethnic rivalry, struggles over natural resources, human rights abuses, failure to respect the rule of law, nepotism, poverty, and the lack of access to affordable health, shelter, and education. If the AU were to address Africa's security issues promptly, effectively, and on a sustained basis, it would have to involve CSO and adopt a multi-faceted approach, which pays attention to the impact of globalization and governance on individual human beings.

Some of the wars, conflicts, and other sources of insecurity, which emerged in the 1980s and 1990s, have continued into the twenty-first century. For example, the civil war in southern Sudan, which started in 1983, was not resolved until early 2005. Prior to the conclusion of this war, another conflict erupted in the Darfur region in 2003. The civil war in Somalia, which started in the late 1980s and intensified

following the overthrow of former dictator Siad Barre in 1991, had not been resolved by early 2007. Indeed, Somalia, which has had no effective governance structures at the national level since the early 1990s, was invaded by Ethiopia on Christmas Eve in 2006. Moreover, the civil war in the DRC, which started in the mid-1990s, continued into 2007, notwithstanding the fact that the country held its first free presidential elections in late 2006. At this writing, the DRC had the biggest UN peacekeeping operation in the world. In Algeria, a civil war, which erupted in 1992 when the military intervened in politics and nullified the general elections, has continued into the twenty-first century. Thus, several wars, conflicts, and crises outlasted the OAU.

The AU was established partly for the purpose of finding solutions to these, and similar, problems. Article 3(f) of the Constitutive Act states that one of the Union's aims is to "promote peace, security and stability." In addition, Article 4(e) states that one of the AU's principles is the "Peaceful resolution of conflicts among member states." Moreover, the Constitutive Act, under Article 4(h), gives the Union the right "to intervene in a member state . . . in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." Thus, the AU has a mandate to help resolve inter-state and intra-state conflicts, deal with terrorist threats and engage in peace building activities.

This chapter explores the AU's capacity to address wars, conflicts, and other sources of insecurity and engage in peace building processes. It also examines the roles of Regional Economic Communities (RECs) in facilitating conflict resolution. Accordingly, the rest of this chapter is divided into four parts. The first explains briefly the security concepts used broadly by the AU and its member states. The second examines the nature of war, conflict, and insecurity in Africa. The third looks at the AU's mechanisms for peace and security. The fourth explores the roles of RECs.

Conceptual issues

How do the AU and its member states view security? How do their definitions of security relate to identity and the concept of African solutions for African problems? How is peace building understood in Africa?

As the meaning of security was explored in the Introduction, this section does not go into it. The Introduction made it clear that all security, not just human security, ought to be concerned with the needs, aspirations, and dignity of the people. States do have the primary

responsibility of affording security to their people. However, some states continue to neglect and even violate human rights and democratic processes in the pursuit of state security. This is why it is necessary to define security as the protection of the people, as well as the preservation of their norms, rules, interests, institutions, values, aspirations, and resources, in the face of military and non-military threats. This definition, which is underpinned by good governance, suggests that security is primarily about identity and interests.

The OAU/AU definition of security has evolved over many years and has reflected certain identity issues. Following independence, African states and the OAU pursued security through the traditional frameworks. Their perspective on security was state-centric because they often explained it in terms of state survival, territorial integrity, self-help, and protection of the ruling elites. While the security challenges of most states were internal, many African governments organized their security forces as if they were preparing to address threats that emanated from outside the state. Indeed, the OAU and its member states were traditionalists because they often prescribed the use of military force even if the threats in question were not amenable to military solutions. For example, many states routinely used military forces to harass and intimidate legitimate opposition political groups. In other words, ordinary governance issues were militarized. In this traditional approach to security, there was no room for civil society organizations or the consideration of gender issues.

The OAU started to redefine security shortly after the Cold War ended. Its broadened definition of security encompasses non-military issues, but it is not sufficiently sensitive to gender questions. Moreover, it does not provide sufficient room for civil society organizations. For example, at a summit in Kampala in 1991, the OAU, in reference to a Conference on Security, Stability, Development and Cooperation, suggested that: "The security of a nation must be constructed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights."¹ This view of security has been adopted by the AU's Common African Defence and Security Policy (CADSP). CADSP claims that security includes human rights, the right to participate fully in the process of governance, the right to development, education and health, and the right to protection against poverty, marginalization, and natural disasters. This evolving understanding of security provides room for the AU to utilize the dynamic tension between security, globalization, and governance.

In addition, various African scholars have adopted new security frameworks and applied them to African problems. These have ranged from critical security perspectives² to human security and feminist frameworks.³ Indeed, a group of seven NGOs in Africa has established an African human security initiative, through which it seeks to influence policy on other initiatives, including NEPAD and the Common African Defence and Security Policy.

Apart from providing a broader definition of security, the OAU and AU have championed the concept of applying African solutions to African security problems, which underlines the identity dimension of security considerations. This concept, which has been part of African political thought since the 1950s, is derived from self-determination and self-government. It was endorsed by many African thinkers, especially those who participated in the early phase of the liberation struggle, such as Frantz Fanon, Kwame Nkrumah, Julius Nyerere, Sekou Toure, Kenneth Kaunda, Edward Mondlane, Ndabaningi Sithole, Nelson Mandela, and Tom Mboya. Seeking African solutions to African problems amounts to a proclamation of self-pacification. This is part of what Ali Mazrui described in the 1960s as a *Pax Africana*.⁴ However, as we point out later, given Africa's multiple political, economic, social, ideological, and financial problems, self-pacification was honored in breach rather than in observance.

Another security concept that the AU has alluded to relates to the universality and indivisibility of security. For example, at the solemn launch of the Peace and Security Council in Addis Ababa in May 2004, the Chairperson of the AU's Commission, Alpha Oumar Konare, underlined the view that security was universal, global, and indivisible. He said: "An Africa at peace cannot stand without a world at peace. Our security policy must be focused on the notion of collective and general security."⁵ Thus, genuine security knows no racial, religious, ideological or national boundaries. It is meaningful only when it is enjoyed by all. This concept, like that of self-pacification, is not new. Nkrumah expressed it more than 40 years earlier, when he argued that peace, security, and freedom were universal and indivisible.⁶ However, the universality and indivisibility that Nkrumah had in mind was a two-way street while the indivisibility and universality to which the AU refers appears to be a one-way street. Nkrumah believed that while Africa welcomed outside efforts to end colonialism in southern Africa, it also had a responsibility and the capacity to help other parts of the world enjoy peace, security, and freedom. The AU, on the other hand, expects the Group of Eight (G8) states and other Western countries to fund its programs and activities.⁷ In this

sense, the concept of the universality and indivisibility of security appears to undermine the idea of self-pacification.

Overall, security in Africa has been elusive partly because of the lack of platforms on which peace can be constructed. As in the case of security, it is identity and interests that underpin peace building activities and processes in Africa. The term “peace building” is used here to encompass various activities that are designed to create the capacity that can sustain democratic processes, the respect for human rights and the rule of law, poverty alleviation, and the provision of access to health, education, and other basic needs. In *An Agenda for Peace*, former UN Secretary-General, Boutros Boutros-Ghali, himself an African, employed the term “peace building” to refer to capacity building, societal transformation, and reconciliation among the parties in dispute.⁸ In this chapter, the term is used to encompass long-term transformative processes that facilitate the movement towards durable peace, while at the same addressing the root causes of conflict and war. In this sense, there is considerable overlap between peace building and development (see Chapter 5). There is also an overlap between peace building and human security. These overlaps highlight the interconnections between globalization, security, and governance. These interconnections should become clearer as the nature of war, conflict, and insecurity is explored.

Nature of war, conflict and insecurity

In the past few decades, Africa has been associated with hunger, famine, HIV/AIDS, unending warfare, ethnic tensions, political upheavals, social breakdowns, and economic deprivation. It is these issues that underpin the war, conflict, and insecurity that the AU is expected to address.

As it was stated above, the AU’s approach to peace and security is predicated on the idea of finding African solutions to African problems, which dates back many decades. The OAU, which sought to promote this approach, put in place a conflict resolution mechanism that involved mediation, conciliation, and arbitration. Thus, African leaders in the 1960s, as now, were concerned with Africa’s capacity for self-pacification. However, due to inadequate resources, the lack of institutional mechanisms, bad governance, power struggles, and the lack of political will, security in Africa was largely underwritten, and has continued to be shaped, by external forces. The former colonial powers, especially France and the UK, and other global powers—the United States, the Soviet Union and China—played prominent roles in shaping the direction of African wars and conflicts. When external

agents resolve African problems, the solutions often reflect not just the interests, but also the identities, of these agents.

Therefore, it was not surprising that during the Cold War, African security problems were frequently interpreted in terms of the US–Soviet competition. This applied to most wars and conflicts, irrespective of the nature of the local identity issues and interests behind them. In other words, the global East–West competition often dictated the way African conflicts were resolved, whether they stemmed from boundary disputes, the marginalization of some ethnic groups or ideological differences. For example, the Shaba uprisings in the DRC (formerly Zaire) in 1977 and 1978 were not understood in terms of bad governance under President Mobutu Sese Seko and the interests and identity of the people of Shaba province. Instead, they were addressed in terms of how the United States and the Soviet Union and their respective allies would gain or lose influence.

The same could be said of the approaches that some African states and Western countries took regarding the liberation of Namibia and South Africa, as well as the Angolan civil war. Namibia's security problems were precipitated by colonial rule through which South Africa, the colonial power from 1919, denied basic civil and political rights to Namibians. Despite the fact that the International Court of Justice ruled in 1966 that South Africa's occupation of Namibia was illegal, the South African government ignored its verdict and subsequent UN resolutions. Namibia's main liberation movement, SWAPO (South Western African People's Organization) was supported by the OAU and received some of its weapons from the Soviet bloc. The reason Western powers were not willing to pressure South Africa to leave Namibia is that they regarded the South African government as a bulwark against communism. It was not until the Cold War ended and the Cuban troops were withdrawn from neighboring Angola, that the Namibian independence issue was resolved.

A notable feature of the Cold War is that good governance was not a major issue for African political leaders and their foreign backers. Human rights were abused, multiparty systems were outlawed, and the citizens of various African states were denied opportunities to participate in decision-making. In this sense, Western countries, like their communist counterparts and African dictators, were complicit in exacerbating insecurity in Africa. It was this situation that prompted former US President Jimmy Carter in May 1977 to ridicule his predecessors:

Being confident about our own future, we are free of that inordinate fear of communism which once led us to embrace any dictator

who joined us in our fear. For too many years we have been willing to adopt the flawed principles and tactics of our adversaries, sometimes abandoning our values for theirs. We fought fire with fire, never thinking that fire is better fought with water.⁹

This gave hope to those who believed that the United States might pursue a human-rights-based foreign policy. However, by the end of his term, Carter had gone back to his predecessors' tactics of fighting fire with fire.

During this period, there was no talk of failed states in Africa. A poorly performing state could play the East–West card and obtain the support it needed, even if this support meant obtaining arms to suppress legitimate political opposition groups. In one sense, African state failure is a construction of the post-Cold War climate. It was only after the Cold War had ended, when outside powers saw no need to prop up unpopular and dictatorial African regimes, that the “orphaned” African states failed to perform as required.

In the period following the end of the Cold War, especially in the early 1990s, African leaders discovered that they no longer had leverage in Western capitals, which meant that Western leaders could afford to either ignore Africa or handle its problems at arms length. During this period, the West and international organizations, especially the World Bank and the IMF, imposed certain political and economic conditions, which African states had to meet before obtaining aid. Some of these conditions, dubbed structural adjustment programs, were so misguided and unfair to the poor that they resulted in enormous suffering, instability, and insecurity. This is when state collapse set in.

In the immediate post-Cold War era, the UN also played a bigger role in the resolution of Africa's wars than it had done before, amid claims that African crises were not accorded the same priority as those in Europe. It was at this time that the UN Security Council decided to implement resolution 435 that led to Namibia's independence in 1989. This resolution, which authorized the UN to assume legal responsibility for Namibia's transition to independence, had been adopted by the Security Council in September 1978, but there was no political will to implement it until the Cold War was over.¹⁰ After Namibia, the UN was involved in several other peacekeeping operations in Africa, including Angola, the DRC, the Ethiopian–Eritrean war, Liberia, Rwanda, Sierra Leone, and Somalia. Some of these activities were undertaken as humanitarian interventions, which saved many lives, but provided only band-aid type of solutions to chronic security problems.

The majority of Africa's wars have been intra-state. The immediate post-Cold War period was characterized by internal and external demands for good governance. Globalization, and particularly the revolution in communications technology, had reached a point where African governments could not conceal their misguided policies and other weaknesses. Indeed, the rapid external reactions to some of these wars was partly due to what has been described as the "CNN effect," which is a symptom of globalization.

In the early part of the twenty-first century, the African security agenda has been shaped largely, but not exclusively, by the so-called war on terror. A decade prior to the US government making counter-terrorism a cornerstone of its national security policy, the OAU had started debating ways of containing terrorism and "extremism." For example, in July 1992, the OAU summit in Dakar, Senegal, adopted a Declaration Against Extremism, which was designed to enhance cooperation among African states to deal with "manifestations of extremism." It should be noted that Algeria, which had given rise to a civil war by nullifying general elections, was one of the main drivers behind this initiative.

Later, in 1999, the OAU summit in Algiers adopted the Convention on the Prevention and Combating of Terrorism (hereafter the Algiers Convention). Support for the Algiers Convention also partly stemmed from the fact that al-Qaida agents had carried out simultaneous terrorist attacks against American diplomatic missions in Nairobi (Kenya) and Dar es Salaam (Tanzania) in August 1998. By committing itself to fighting terrorism in the 1990s, the OAU took a major step in enhancing security in some countries, but the genesis of this initiative was the Algerian government's move in early 1992 to undermine security by nullifying the general elections. The Algerian authorities feared that had the general elections gone ahead, they would have been won by an Islamist group, the FIS (Front Islamique du Salut or Islamic Salvation Front). Having been denied the chance to take power through the democratic process, FIS resorted to violence, alongside other insurgent groups, such as GIA (Groupement Islamique Armé or Armed Islamic Group).

Since the terrorist attacks in New York and Washington in September 2001 and the subsequent adoption of UN Security Council resolution 1373, African states have been required to implement counter-terrorism measures that go far beyond what the local situation demands. Some African states, such as Algeria and Egypt, have faced terrorist problems for many years, but these can be explained in terms of governance structures and policies in these countries. However,

these countries' counter-terrorism strategies have subsequently been incorporated into the global "war on terror." While some terrorist attacks in Africa have been traced to the al-Qaida network, not all acts of terrorism on the continent are transnational. There is no doubt that the terrorist attacks that Kenya and Tanzania experienced in 1998 were transnational and were aimed at Americans, not the local authorities. However, their causes differ widely from the problem that Algeria has experienced.

Unfortunately, African states, as well as external powers, have used the "war on terror" to try to distort the nature of security problems. For example, Ethiopia's invasion of Somalia in December 2006, which had nothing to do with transnational terrorism, was justified in terms of the global "war on terror." Somalia's problems predate the formation of Osama bin Laden's al-Qaida network and are unlikely to be resolved through a strategy aimed at al-Qaida. One effect of distorting African security problems through the prism of the global "war on terror" is that the counter-measures undertaken end up undermining, rather than enhancing, security. It is anticipated that the African Centre on the Study and Research on Terrorism, established in Algiers in 2004 by the AU, will serve as a vital tool for coordinating counter-terrorism measures in Africa.

Apart from terrorism, Africa has witnessed extensive violence and warfare in several countries since the creation of the AU. Although violent conflicts in Africa are not new, they have drawn special attention due to the fact that they are more intense and extensive in scope, highly destructive, and produce large numbers of civilian victims and refugees. For instance, the war in southern Sudan claimed more than two million deaths. In the Rwandan genocide of 1994, an estimated one million people perished in about two months. Violence in Africa has taken various forms ranging from genocide, as in Rwanda and Darfur between 2003 and 2007, to interpersonal violence. Besides their extremism in brutality, armed conflicts in Africa have also been characterized by warlordism, the targeting of vulnerable groups, such as children, women and refugees, using children as soldiers, state sponsorship of violence, and war economies.¹¹

When the Darfur crisis captured international attention in 2003, it was the AU that was called upon to lead negotiations between the Sudanese government and the rebel groups, the Justice and Equality Movement and the Sudan Liberation Movement. The AU's efforts culminated in the signing of a Humanitarian Ceasefire Agreement in April 2004 and the deployment of 60 ceasefire monitors and 300 soldiers to protect them. This protective force grew to over 7,000 by

September 2006. After many delays and a series of rounds, the Darfur Peace Agreement was signed in Abuja, Nigeria, in May 2006.

The situation in Darfur continues to be an acid test for the aspirations of the AU to be a regional force for peace, and for its ability to respond to horrific human crimes. This conflict, as with many others in Africa, has destroyed homes, damaged the environment, disrupted social, educational and health services; killed, maimed and traumatized the population; destroyed the economic and physical infrastructures; interrupted government operations; and displaced large groups of people from their homes and farms rendering them dependent on humanitarian assistance.¹² Moreover, the International Commission of Inquiry on Darfur reported in January 2005 that war crimes and crimes against humanity had been committed by the government-backed militia group called the “Janjaweed.” In addition, the Chief Prosecutor of the International Criminal Court has named a Sudanese minister and a militia leader as being culpable for war crimes. Below, we explain why the Darfur problem has persisted.

Case study: Darfur

Many critics believe the AU has failed in the test to prove that it is capable of being entrusted with the primary responsibilities of maintaining peace and security, especially because it has not declared the situation in Darfur a “grave circumstance.” The situation in Darfur has been characterized by three factors: the poor AU intervention mechanism; the AU’s failure to learn from previous peace support operations (PSO); and Sudan’s diplomatic skills.

The designation of the Darfur crisis a “grave circumstance” would obligate the AU to intervene under Article 4(h) of its Constitutive Act, but the Union lacks the political will and mechanism to determine what “grave circumstances” are and how to go about reacting to them. First, the decision-making process is vague on how to intervene. Second, the Assembly of heads of state and government, which is the only organ mandated to make an intervention decision, meets only twice a year or in rare extraordinary sessions. Third, Articles 4(h) and 4(j) were intended for very specific cases: the former can only be applied in failed states where all security structures have collapsed and left civilians vulnerable to atrocities and violence; and the latter can only be invoked when the AU is invited by a government that lacks the capacity to protect its civilian population.

The AU deployment of AMIS (African Union Mission in Sudan) faced enormous problems. As is the case with Somalia, there were few

countries with soldiers trained in peace operations of the Darfur nature, where there was no peace agreement to implement. The reluctance of most countries was attributable to the fact that they preferred to deploy on traditional peacekeeping principles, which puts their troops at less risk. The AU also lacked equipment and had only a few vehicles and tents, and no aircraft. It took a while before the donors provided the promised equipment, some of which was incompatible.¹³ Once countries, such as Rwanda and Nigeria, had offered troops, there was a logistical problem of transporting them to Darfur. When Rwanda tried to send in 300 soldiers in October 2004, it was forced to postpone the deployment, as preparations to house them had not been made. The Rwandese deployment was also delayed by the insistence of Nigeria that being a lead nation, it wanted its troops to be the first on the ground to lay the foundation for contingents from other states. The troops were not only being deployed with no rules of engagement but also without a status of force agreement. This came to light when three US Air Force cargo planes transporting Rwandan soldiers and equipment to Darfur, as part of the expanded AU mission, were denied permission to land in Sudan.

Deployed under a very limited mandate, AMIS lacked the coercive powers to deal with violent militias, who were committing crimes against humanity, war crimes, and genocide. Constructed around scenario four of the African Standby Force, AMIS could only undertake traditional peacekeeping operations, which respect the principles of impartiality, neutrality, and consent. AMIS personnel also lacked basic skills in peace building, particularly confidence building, that was crucial to the mission's effectiveness. It was also notable that among the personnel deployed to monitor the situation in Darfur, there were no forensic experts who could collect and preserve evidence that may be useful in future war crimes prosecutions. Instead, the AU called on Khartoum to bring the violators of human rights to justice.

The AU force was ineffective on the ground. The morale of the AMIS personnel was very low because of many frustrations, from both Sudan and the AU headquarters. For instance, Sudan often refused to give fuel to the AU monitors while its attack helicopters were in the air. Sudan also had to approve AU reports, particularly if they contained information on violations of the ceasefire agreement.

Another factor that affected the direction of conflict in Darfur is Sudan's diplomatic skills. When the AU was making decisions on Darfur, Sudan was a member of the Peace and Security Council (PSC) and one of the most powerful members in the Union. Sudan's power in the AU is derived partly from its commitment to the Union, and

partly from its membership of the AU Assembly, which is mandated to make decisions on intervention under Articles 4h and 4j of the Constitutive Act. Sudan is one of the top ten contributors to the Union's budget and has seasoned representation to the AU that has been able to push through the country's positions, even those that are contradictory to the Constitutive Act. As a result of Sudan's influence in the organization, the AU has not made decisions that would displease Khartoum or undertaken actions without Sudan's consent. Thus, the AU is a partial broker for peace in Sudan.

Sudan's influence was not only confined to the AU, but extended also to the UN, where African countries in 2003 voted as a bloc to defeat a strong motion against Sudan at the UN Commission on Human Rights. Moreover, African countries sponsored the election of Sudan as an African representative in the Human Rights Commission in May 2004. Furthermore, Sudan's apparent special relations with Russia and China have ensured that these two protect it whenever the UN Security Council attempts to adopt strict measures to address the problem in Darfur.

While the presence of an AU force brought security to some of the most vulnerable civilian populations in some camp areas, the troops were not able to provide security corridors for humanitarian aid or protect humanitarian convoys. AMIS deployment reflected the fact that the AU had not learned lessons from other theatres. The force was also not able to protect thousands of acutely vulnerable civilian populations in rural areas, which were beyond humanitarian reach. Furthermore, its reporting of atrocities perpetrated by Khartoum and the Janjaweed militia was severely compromised. Additionally, given the limited mandate of AMIS, it was not able to disarm the Janjaweed as "demanded" by UN Security Council Resolution 1556 of July 30, 2004, and as stipulated in the Communiqué issued jointly by Khartoum and the UN Secretary-General Kofi Annan on July 3, 2004. Nor was the AU able to compel Khartoum to accede to the demand of Security Council Resolution 1556 to "apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities."

It is also notable that the 7,000 AMIS force was not an appropriate size for protecting civilians in a region of Darfur's size. According to General Romeo Dallaire, who headed the UN peacekeeping force in Rwanda in 1994, an appropriate force for Darfur would need up to 44,000 troops. Equally important is the mandate for such a force: it must be robust enough to disarm the Janjaweed and protect vulnerable

populations in both the camps and rural areas. Other factors that needed to be considered include the proper equipment (such as helicopters, remotely piloted vehicles, and night-vision devices) and a security agreement that includes a no-fly zone, safe passage routes for returnees and displaced populations, disarmament of Janjaweed militia, and protection of humanitarian workers and convoys.

Although this was the second peace operation to be undertaken by the AU, it seems few lessons were learned from the OAU's peace-keeping experience in Chad and the AU Mission in Burundi (AMIB). Numerous lessons could have been drawn from AMIB when setting up, deploying, and operating AMIS. It is unfortunate that the AU did not learn from AMIB on how to deploy faster and effectively, acquire adequate funding, better coordination between units and between the military and political units of the mission, better coordination from the AU headquarters, command and control, better information sharing and better civil-military relations. This suggests that the AU lacks an effective process for evaluating the operation while the mission is in process or after it is completed.

AU mechanisms and structures for peace and security

The AU structures and mechanisms for peace and security revolve around the PSC, which was formally launched in May 2004. Article 3(f) of the Constitutive Act states that the promotion of peace, security, and stability on the continent would be one of the AU objectives, but it did not establish the structure for achieving this objective. Using Article 5(2) of the Constitutive Act, the AU Assembly adopted the protocol that created the PSC and made a decision to formulate a Common African Defence and Security Policy. The functions and powers of the PSC were discussed in Chapter 2, but we would like to discuss here some of the structures designed to enable it to function. The protocol calls for the establishment of mechanisms and structures to assist the PSC in its work.

The first mechanism is the Continental Early Warning System (CEWS), which is designed to anticipate and make recommendations for measures to prevent conflicts. When fully operational, the CEWS will consist of an observation and monitoring centre (situation room) directly linked to observation and monitoring units of Regional Mechanisms (RM). This system will collaborate with "the UN, its agencies, relevant international organizations, research centers, academic institutions and NGOs" in collecting information to be fed into "an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators."¹⁴

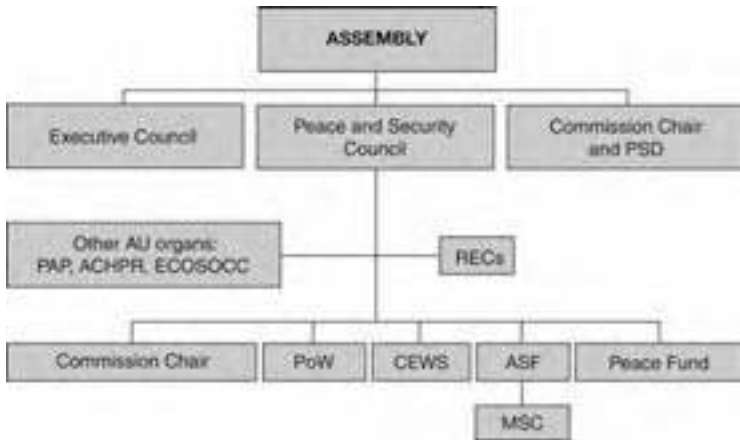


Figure 4.1 The African Union peace and security organs.

The analyzed information will be transmitted to the Chairperson of the Commission who, in turn, will use it “to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action.”¹⁵

Once the Chairperson of the Commission receives the information, he/she shall consult with all parties to the conflict and take appropriate measures to prevent, manage or resolve the situation. He/she may bring the matter before the PSC, inform the Panel of the Wise, take personal initiatives or use special envoys to respond, oversee the deployment of the African Standby Force, and ensure the implementation of decisions taken by the Assembly.

The second mechanism is the Panel of the Wise, which comprises five highly respected Africans that “have made outstanding contributions to the cause of peace, security and development.” This mechanism is designed to support the PSC and the Chairperson of the Commission to pursue the peace and security agenda.

The third mechanism is the African Standby Force (ASF), which was established under Article 13 of the PSC Protocol. The ASF will engage in preventive deployment, humanitarian assistance, and intervention in accordance with Article 4(h) and 4(j) of the Constitutive Act. The ASF shall be composed of regional brigades “ready for rapid deployment at appropriate notice” on “missions decided by the PSC or interventions authorized by the Assembly.”¹⁶ The ASF may operate under one of six scenarios, depending on the mission type and its composition.

The fourth mechanism is the Military Staff Committee, which shall advise and assist the PSC on all questions relating to military and security matters, including those concerning military intervention to stem humanitarian crises.

The implementation of the AU peace and security agenda will be carried out by the above mechanisms within a governance structure that comprises the Pan African Parliament; the African Commission of Human and People's Rights; Regional Mechanisms (RMs) for conflict prevention, management and resolution; international organizations (particularly the UN); and civil society organizations. While this governance structure is dominated by state representatives, it was designed to provide room for non-state agents. When fully operational, it will be driven by the dynamic tension between globalization, security, and governance.

AU-RECs partnership for peace

This partnership is another example of how the AU can utilize the complex relations between globalization, security, and governance to pursue its objectives. Before the PSC Protocol was signed at the AU summit in Durban in 2002, a meeting had been convened in Addis Ababa in May 2002 to review the state of RMs and their experiences in conflict prevention, management, and resolution. This meeting examined experiences and hindrances to cooperation under the OAU, as well as the underlying objectives and modalities of cooperation between RMs and the proposed PSC. It subsequently recommended the formalization of relations between the AU and RMs, and suggested a Memorandum of Understanding, specifying the context and content of this relationship.

The PSC Protocol acknowledges the contribution of RMs in the maintenance of peace, security, and stability, and the need to develop formal coordination and cooperation between them and the AU. For example, Article 7(j) of the Protocol calls for "close harmonization, co-ordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa."

Moreover, Article 16 of the PSC Protocol states that "Regional Mechanisms are part of the overall security architecture of the Union." It suggests the harmonization and coordination of activities with these mechanisms to ensure effective partnership and take account of "the comparative advantage of each and the prevailing circumstances." Since its operationalization in 2004, the PSC has worked closely with RECs by:

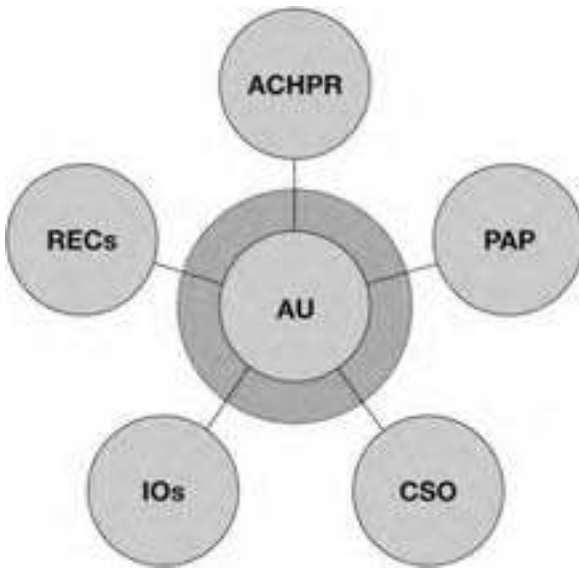


Figure 4.2 The African Union peace and security architecture

- a Consulting on initiatives aimed at anticipating and preventing conflicts, and in circumstances where conflicts have occurred, in peace-making and peace-building functions.
- b Harmonizing and coordinating efforts.
- c Regularly exchanging information.
- d Involving RMs in the Continental Early Warning System and the ASF.
- e Allowing RMs to participate in PSC deliberations.
- f Establishing liaison offices in RMs and vice versa.

Although the PSC Protocol highlights the importance of RMs in the implementation of the AU peace and security agenda, RECs roles are only vaguely stated. However, these roles started unfolding with the enunciation of the Common African Defence and Security Policy and the operationalization of other structures.

The African Standby Force will be composed of regional brigades undertaking missions under AU mandates. Some of these regional brigades will be under the umbrella of RECs. It is envisaged that the regions will play a key role in selecting the five prominent people to serve on the Panel of the Wise. And the CEWS will consist of observation and monitoring units of the RMs.

Despite these developments, harmonization of the AU and RMs has a long way to go. Among the issues that have been raised during consultations is that there is no clarity on the status of RECs in the Constitutive Act. Article 3(l) of the Constitutive Act simply states that one of the objectives of the AU is to “coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union.” The RECs believe this is ambiguous and needs further elaboration. Another issue is that the protocol on relations between the African Economic Community (AEC) and RECs does not mandate the latter to meet and co-ordinate their activities.¹⁷

Furthermore, there have been complaints, mainly from the RECs, that the AU has not implemented all the terms of the Protocol on AEC–REC relations and that it has made no follow-up on the recommendations of the Addis Ababa meeting of May 2002. One of the recommendations was that the OAU/AU should undertake consultations with RECs on modalities of elaborating a Memorandum of Understanding by August 2002.¹⁸ Other recommendations were that the PSC Protocol must clearly define its relations with the RECs, formalize and institutionalize the ad-hoc forms of coordination and cooperation between the OAU/AU and RMs, exchange information and liaison officials responsible for peace and security, and share resources. It was also recommended that the AU provide all possible forms of support to strengthen RMs.

Challenges to harmonization of AU–RECs mechanisms

There are a number challenges to the harmonization of the AU–RECs mechanisms. These include the lack of resources, weaknesses in institutional capacity, over-reliance on external financial support, and the absence of common regional values. The AU has few resources and is experiencing serious funding problems. As of this writing, the arrears in membership contributions stood at \$44 million, with at least 11 member states under sanctions and prohibited from speaking at AU meetings.

The implementation of the peace and security agenda is also severely affected by the inadequate institutional capacity of the AU. The AU’s Central Organ (or Mechanism for Conflict Prevention, Management and Resolution) does not have the capacity to organize, run or finance a PSO deployment. The onus of financing, logistical support, and sustaining such a mission has been left to the UN and lead nations, such as South Africa in the case of AMIB.

A lack of capacity and resources to develop and follow through on promising initiatives remain a major barrier to effective conflict prevention, management, and resolution. However, there are a few notable successes, such as ECOWAS's adoption in December 2001 of a Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. ECOWAS has also established early warning systems and observatories in Benin, Burkina Faso, Gambia, and Liberia. For the AU to establish productive relations with RECs, it needs first to transform itself into a viable, well-run organization, while the RECs would need to strengthen themselves, and seriously undertake regional security cooperation.

The AU's over-reliance on "international peace partners," particularly the G8 countries, threatens to hinder its development into an independent organization. Serious concerns have been raised about how the formulation of the AU/NEPAD peace and security agenda, the conceptualization of initiatives, and operationalization of the structures to be established by the PSC Protocol, are being driven by the G8 interests.

The lack of common regional values crucial to binding members of the RECs together and reducing competition among them, remains an obstacle. SADC provides the best example of how to go about building common regional values through the creation of political will among regional leaders, the establishment of political solidarity, and the development of common political values, systems, and institutions. All these are needed to sustain and deepen the desire for regional integration.

For the AU and RECs to implement a common peace and security agenda, they would need first to harmonize their mechanisms. Additionally, they would need to build their capacities based on the principle of subsidiarity. This is necessary because RECs, which are near "the theatres of conflicts," are considered "the natural first points of recourse to those in conflict."¹⁹ The recognition of RECs' central role in promoting regional peace and security is germane to the success of the AU's peace and security agenda. Establishing close working relations between the AU and the RECs to meet Africa's security challenges would be easy since such relations already exist, such as the collaboration between the AU and IGAD in Somalia and Sudan. Another example is collaboration in the Great Lakes region between the AU and SADC, with South Africa as a lead nation in the deployment of AMIB. The best approach would be to develop the relationship incrementally, and to select collaborative activities to be developed as opportunities are identified.

Conclusions

The AU has formulated a broad approach to security that incorporates military and non-military factors. However, Africa continues to experience wars, conflicts, and crises, largely because the AU's mechanisms for dealing with these issues are inadequate. The Union's PSC is poorly run, the relationships between the AU and RECs are far from smooth, and Africa's capacity to deploy PSO is weak. Despite the rhetoric about self-pacification, the AU security architecture is dependent on outside funding, which enables outsiders to shape Africa's security agenda. Moreover, while the AU has championed a broad definition of security, its two deployments so far have not been sensitive to gender issues.

A number of lessons have come out of the AU deployments in Burundi and Darfur. First, the difficulties in deployment of AU forces are related to the military capabilities of participating member states—very few of them have specialized units for PSO. These few are also overstretched as they have deployed in almost all the PSO on the continent, including the UN's. Second, the AU has very limited peace mission planning, deployment, and operation capabilities. This is complicated by the fact that the AU does not have a unit for “lessons learned.” There is also no effective process for evaluating the operation while the mission is in process or after it is completed. Furthermore, the AU does not debrief the personnel returning from missions and has no institutional memory on the PSO it has been involved in. Even the framework for establishing the ASF does not recommend end-of-mission assessment; exit interviews, debriefing and mid-mission assessments; a PSO documentation centre; and archives.

As security and peace remain scarce on the continent, there is a need for the AU and its PSC and other organs with responsibilities for security to reexamine their objectives, modalities, and resources. The AU needs to do more to normalize relations with RECs, compel or persuade its members to pay their dues on time, and involve civil society organizations more broadly in its security and peace-building activities. Without these measures, its idea of finding “African solutions to African problems” will continue to be undermined.

5 Knowledge and development¹

Knowledge is the key to Africa's security, development, and good governance. It is knowledge that drives globalization, stock markets, changes in information technology, and strategies to tackle HIV/AIDS. The successful pursuit of democratization, gender equality, environmental management, and sustainable development is predicated upon the rejection of obsolescent knowledge and the promotion of a knowledge renaissance. Indeed, without certain types of knowledge, Africa would stagnate economically, remain insecure, and be unable to formulate effective and progressive governance strategies.

Therefore, it is appropriate that one of the objectives of the AU is to advance "the development of the continent by promoting research in all fields, in particular in science and technology." The Constitutive Act also requires the Executive Council to coordinate and take decisions on "education, culture, health and human resource development" and on "science and technology." Moreover, the Constitutive Act established two Specialized Technical Committees that deal with knowledge and innovation: the Committee on Industry, Science and Technology, Energy, Natural Resource, and the Environment; and the Committee on Education, Culture, and Human Resources. In addition, the Science and Technology department within the Commission deals with ideas, knowledge, and innovation. Thus, knowledge and its application in development activities are at the core of the Union's objectives.

There is a correlation between knowledge, development, and global influence. If the AU were to exercise influence in world affairs, its member states would need to participate in the control of the fountains of knowledge. Africa's abject poverty and the lack of global influence appear to stem from its weak bases in knowledge and, in particular, in science, technology, and innovation. Ali Mazrui succinctly underlined the power of ideas when he observed: "The entire

international system of stratification has come to be based not on 'who owns what' but on 'who knows what.'² Urging African policy makers to pay more attention to science and technology, Calestous Juma has argued: "Much of the reference to Africa in international forums has focused on the continent's natural wealth. However, natural resource endowment is not a sufficient basis for economic growth; it must be accompanied by investments in science and technology."³ Investment in science and technology implies establishing the foundation for knowledge production. For purposes of this chapter, the term knowledge includes, but is not limited to, formal and informal education and scientific know-how. It may be acquired through many sources, including books, journals, the internet, educational institutions, research centers, internships, workshops, and conferences.

Knowledge is a double-edged sword that can be used for destruction or for construction. This is because knowledge comes in various forms and shapes. For example, there is forward-looking and backward-looking knowledge; there is knowledge that reinforces ethical and moral values, and one that disrupts them; there is knowledge that encourages individualism and one that emphasizes communal identity; there is knowledge that encourages gender equality and one that discourages it. Knowledge does not always float around without a purpose.

There is also an intimate relationship between knowledge and the variables that underpin the argument in this book, namely globalization, security, and governance. Indeed, most of the knowledge that Africa needs for development appears to be embedded in the complex relations between globalization, security, and governance. Without these three factors, it would be hard to transmit and apply new ideas in Africa. Therefore, the AU's chance of tapping into global knowledge flows depends on its ability to exploit the symbiotic relationship between globalization, security, and governance.

The rest of this chapter is divided into four sections. The first explores the global structure of knowledge and claims that Africa remains on the scientific, technological, economic, political, and military margins of the world largely because it is a net consumer, rather than a producer, of useable knowledge. The second examines the meaning of development in Africa. The third section discusses how African states could acquire a larger share in the benefits of global knowledge if they established a political and legal atmosphere that permitted innovations in science and technology, flexible working conditions, and respect for fundamental freedoms. The fourth discusses why African states would find it easier to build knowledge economies if they paid adequate attention to capacity building.

The global structure of knowledge

Africa's opportunities to benefit from global knowledge flows lie partly with the global community and partly with Africa itself. Africa is rich in natural resources, but to turn them into consumable wealth, it would require a capacity to engage in appropriate knowledge-intensive processes. This can be obtained through education, social learning, and the strategic partnerships that the AU, African states, and universities could establish with institutions abroad. Through strategic partnerships, Africa might build its pool of expertise in a range of disciplines, such as law, medicine, policy studies, and science and technology. Africa needs to seek knowledge that can facilitate the positive aspects of globalization, sustainable development, democratic governance, and peace building. It is the AU and its members that should come up with initiatives on how they can tap into appropriate sources of knowledge. However, the donor community would need to provide training facilities and financial resources with which the AU and its members can pursue such initiatives. This is the way to creating what the Director of UNESCO, Koichiro Matsuura, has described as "societies of shared knowledge."⁴

One of the starting points for a discussion of the role of knowledge in Africa in a globalizing world is the global structure of knowledge, which is a major determinant of Africa's share of new ideas and innovations. The Western world dominates the global structure of knowledge through various means, including journals, books, conferences, and seminars that promote Western-generated forms of knowledge. For example, the refereeing process in journals is a policing exercise that ensures that only knowledge framed in certain ways, which reflect American or Western standards, is accepted for publication. Even within the West, North American and Western European journals differ on what they seek. They prefer articles that utilize particular epistemological lenses and/or research methods, with a view to ensuring that only certain forms of knowledge are produced.

North American and Western domination of knowledge is also achieved through citations, which are considered a measure of the impact of publications. Whereas African scholars often cite sources from all parts of the world, North American and, to a certain extent, Western Europeans, mainly cite fellow Westerners even on African issues where credible African sources exist. Even textbooks written by Africans for fellow Africans rely heavily on Western-generated epistemological and methodological perspectives and fail to question the

normative and political dimensions of the paradigms that they utilize. A good example is *Power, Wealth and Global Order: An International Relations Textbook for Africa*.⁵ This is a very good book from the point of view of orthodox International Relations theories. However, it makes no effort to explore the perceptions of us/them, self/other and outside/inside in African traditions. Its bibliography includes one item by Kwame Nkrumah, but it lists no publication by other African thinkers who played important roles in shaping Africa's perceptions of its relations with the rest of the world, such as Frantz Fanon, Julius Nyerere, Leopold Senghor, and Sekou Toure.

As a net consumer, rather than a producer, of knowledge, Africa suffers several disadvantages. First, the AU and its members apply knowledge that was shaped by non-African contexts, which might have little or no relevance for African conditions. Knowledge production is a social and political process that reflects the historical, cultural, and institutional milieu of its producers. Knowledge is constructed for a social, scientific or political purpose and for a community of scholars or policy makers. In interpreting data, researchers are often influenced by their cultural, ideological or racial values. In disseminating the findings of research, scholars emphasize some facts and ignore others, depending on their audience and preferences. What Robert Cox said about theory equally applies to knowledge. Cox argued: "Theory is always *for* someone and *for* some purpose. All theories have a perspective. Perspectives derive from a position in time and space, specifically social and political time and space."⁶

Moreover, when researchers convey their findings, they do so in language, which cannot be value-neutral. In sub-Saharan Africa, this linguistic factor assumes an extra dimension because the language of transmission of ideas is often a borrowed one: English, French, and Portuguese. As knowledge construction is a social and political process, it has to be recognized that while scholars may engage in serious research and may treat all evidence consistently, they cannot provide value-free knowledge.

Second, all knowledge is contestable and, in some cases, transient, and Africa is disadvantaged because it plays no role in the adjudication of knowledge claims. The transient character of knowledge suggests that while society may accept today's scientific findings, it should not lose sight of the possibility that these findings may be challenged tomorrow.

A good recent example of a successful contestation of established knowledge was the challenge to the claim by medical science that peptic ulcer was caused by excessive acidity in the stomach. For many

years, antacids were prescribed, and are still prescribed in many African countries, but in the early 1980s, a study in Western Australia found that the cause of stomach ulcer was not acidity, but bacteria called *helicobacter pylori*. Excessive acidity was the symptom, not the cause. The study established that “100% of patients with duodenal ulcer and 80% of those with gastric ulcer” had *helicobacter pylori*.⁷ This was a big threat to the pharmaceutical companies, which manufactured antacids, and they initially challenged this finding, using other gastroenterologists and histopathologists to try to discredit the two medical researchers—Barry J. Marshall and J. Robin Warren—who had discovered *helicobacter pylori*. However, it is now generally accepted that *helicobacter pylori* “is the cause of most gastric and duodenal ulcers, with elimination of the organism leading to healing of the ulcers and a significant reduction in the incidence of recurrence.”⁸ (On the basis of their discovery, Marshall and Warren won the Nobel Prize for medicine in 2005.) The implication of knowledge contestations is that Africa, as a net consumer, receives only that knowledge, which the knowledge brokers in the developed world consider to be socially and politically palatable.

As Andrea Useem argues:

Research, one of the few tools—or weapons—available to professional intellectuals, is also tangled in a global political economy that tends to marginalize Africa. Public universities on the continent have minuscule research budgets, so professors must raise funds from one of the few sources of money in Africa—donor organizations like the US Agency for International Development or the World Bank, which often promote the very orthodoxies that researchers seek to question. Intellectuals also blame their own governments for choosing foreign ideas over local ones. But ideas from the West often come with powerful incentives—the cash to put them into effect.⁹

To participate effectively in the contestation of knowledge, African researchers need excellent facilities for investigation and experimentation. Unfortunately, African states have few research facilities and centers that can challenge North American and Western intellectual dominance in various disciplines, from science, technology, and innovation to humanities and social sciences. For instance, in security matters, the South African-based Institute for Security Studies (ISS), with offices in several other African states, is the only outfit with a continental presence. However, the dominance of the ISS by policy-

oriented analysts has meant that it utilizes mainly the problem-solving approach, which takes for granted the existing paradigms generated in the West.

Robert Cox has argued that a problem-solving formula “takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organized, as the given framework for action.”¹⁰ This approach can be useful in some circumstances, especially because it can “fix limits or parameters to a problem area,” but it would not be appropriate for critiquing the Western dominance of the global security agenda.¹¹ To participate effectively in the global security debates, African researchers would need to combine insights from problem-solving and critical approaches. A critical approach, according to Cox, “does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing.”¹²

Third, Africa’s marginal socio-economic position vis-à-vis other parts of the world is, in large part, due to the fact that it is a net consumer of knowledge and technology. More than 150 years ago, Karl Marx argued that it was the economic base that determined the prevalent ideas and institutions. If this was the case during his time, it is no longer so. The global structure of knowledge and ideas plays a very important role in determining the structure of political and economic power and influence. Societies that are rich in natural resources, but poor in knowledge and modern technology, like many African states, may not succeed as well as those that have both knowledge and resources. Indeed, the states that are rich in knowledge and modern technology are likely to have greater global influence, even if they are poor in natural resources. This is one of the reasons why a natural-resource poor country like Japan is wealthier and globally more influential than a natural-resource rich country like the Democratic Republic of Congo, which is poor in knowledge.

The current global structure of knowledge disadvantages Africa and demands that African researchers endeavor to produce knowledge that has the potential for global application. To move in this direction, the AU and its members need to design strategies and mechanisms through which African researchers on the continent and in the diaspora can utilize globalization processes to generate new knowledge for the continent on a continuing basis.

Globalization, as we have stated, implies universalization, harmonization, and homogeneity, which ultimately result in the marginalization of African values, institutions, and norms. With regard to

knowledge, globalization has been associated with according priority to “Western rational scientific knowledge ... at the expense of local knowledge.”¹³ It has been criticized for offering “legitimacy to the dominant liberal agenda,” thereby undermining “the value of local diversity.”¹⁴ While it is true that globalization, and especially the information or digital society, has undermined indigenous and religious bases of knowledge, it has not been totally negative. In fact, some aspects of globalization have provided great opportunities that the AU and its members can exploit, but only if African governments invest in science, technology, and innovation, as well as in the humanities and social sciences. In other words, globalization has the potential to bring Africa in from the cold.

If the AU and its members were to make great use of the forces of globalization, they would have to invest in the knowledge sector. With the right policies, strategies and mechanisms, African states and their people would find that they were not absolute losers in the globalization processes. The High-Level African Panel on Modern Biotechnology (hereafter African Panel on Biotechnology), co-chaired by Calestous Juma and Ismail Serageldin, has observed that “Africa’s ‘distance’ from the centers of technological origin is a source of creativity in applying existing technologies to new uses and therefore expands the prospects for international cooperation.”¹⁵ The 1999 *Human Development Report* discussed what it called “globalization with a human face,” namely a form of globalization that was predicated on ethics, equity, inclusion, human security, sustainability, and development.¹⁶ The challenge for African policy makers is to utilize the African researchers and specialists to reconstruct globalization with a human face. It is within the context of this type of globalization that we can explore development.

What does development entail?

Development, whether sustainable or otherwise, has always carried normative and ethical connotations. It has both qualitative and quantitative aspects, meaning that it is both about the fulfillment of basic material needs and the achievement of human dignity, including meaningful participation in the affairs of the community. In terms of physical needs, development is about improvement in people’s living conditions, which includes, but is not limited to, the provision of food, shelter, education, and health. However, development is also about governance or the people’s capacity to control their lives and manage their own affairs. It includes capacity building, thereby implying the

introduction of new ideas, standards, institutions, norms, and techniques of overcoming obstacles to human progress. All African governments claim that they should be judged on their ability to bring about development. Therefore, development serves as a legitimating norm for African governments.

The meaning of development has not always been as broad as it is today. After World War II, for example, development was associated with self-sustained economic growth and the reduction of poverty, and was measured in terms of the gross domestic product (GDP). It was then assumed that the former colonial powers and other rich countries had a moral responsibility to provide development assistance to the newly independent African states. After all, as Walter Rodney argued, the development of Europe in the nineteenth and early twentieth centuries was part of the dialectical process through which Africa was underdeveloped and impoverished.¹⁷

In the course of the 1960s and 1970s, some analysts started to argue that the term development described not only attempts to redistribute resources between countries, but also equitable redistribution of wealth within states. The idea of equitable development emanated from the ethical view that all people are equal and therefore entitled to the same opportunities for development. Even then, development was understood in narrow economic terms. Whenever the rich countries provided assistance to African states, it was largely in relation to major economic projects and with a view to improving the GDP. In some African states, the GDP was growing while some sections of the population were living in squalid conditions. This form of development was criticized by those who argued that while growth was purely economic and vertical, development was horizontal and was supposed to be measured, in part, by the level and intensity of such social services as health, education, housing, and water.

Since the 1980s, development has come to mean much more than economic progress. Policy makers and scholars now talk of development that has human, social, political, and economic dimensions. At first, this move away from the narrow economic-oriented development included the provision of basic needs such as shelter, water, and sanitation, as well as education and health. This expanded definition has been reflected in the UNDP's *Human Development Report*, which, since 1990, has listed as indicators of a country's development several factors, including maternal and infant mortality rates, and the bridging of the gender gap. In this sense, development describes many of the activities and processes that are encompassed in human security and peace building.

Women and shelter

An important resource that African policy makers can utilize most effectively in the development process is women. The contribution of African women to the liberation struggle was recognized in the 1950s and 1960s. For example, in 1968, Nkrumah argued that African women had “shown themselves to be of paramount importance in the revolutionary struggle.” They had given “active support to the independence movement in their various countries, and in some cases their courageous participation in demonstrations and other forms of political action had a decisive effect on the outcome.”¹⁸ However, on the attainment of independence, African governments did not address the roles of women in the new society. Indeed, at this writing, African women were poorly represented in parliament, senior government positions, universities, and the professions.

The school systems that existed during the colonial era discriminated against women. In addition, women have been held back by outmoded African traditions for many years. Whereas many other African institutions were eroded by colonialism and globalization, the social and legal institutions that legitimize the unequal relationship between men and women are still in force in a number of African communities. According to the 1999 *Human Development Report*, the bottom five countries in the world in the gender-related development index were African: Burundi, Burkina Faso, Ethiopia, Guinea-Bissau, and Niger.¹⁹ Again, three of the bottom five countries in the world in gender empowerment measures were African: Mauritania, Togo, and Niger. Any system of government that discriminates against part of the population is ethically deficient. The AU has given women prominent positions and is committed to gender mainstreaming. However, many African states have yet to put in place structures, policies, and strategies that are designed to expedite the empowerment of women.

Just as many African states have paid only lip service to gender mainstreaming, they have ignored the fact that shelter is a part of development. Shelter can be understood in at least two senses. In the first, which is physical, shelter is about a house, a home, accommodation or any other form of settlement. In the second sense, shelter is more than a roof over one’s head. It is primarily about dignity, security, and identity. The two interpretations of shelter are interconnected, for it is a home, settlement or decent accommodation that helps individuals achieve a sense of dignity, security, and identity. These two views of shelter appear to have been in the minds of the delegates to the first UN Conference on Human Settlements in Vancouver, Canada,

in 1976, which established the UN Centre for Human Settlements, or Habitat.

Subsequent activities by the international community, including the 1987 celebration of the International Year of Shelter for the Homeless, the Global Strategy for Shelter to the Year 2000, and the 1996 second UN Conference on Human Settlements (Habitat II) in Istanbul, Turkey, addressed the issue of shelter from these two perspectives. For example, the Istanbul Declaration on Human Settlements stated, *inter alia*, that the heads of state and government endorsed “the universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more livable, equitable, sustainable and productive” (paragraph 1).²⁰ UN member states, including all AU members, accepted the two themes of “adequate shelter for all and sustainable human settlements development in an urbanizing world.”²¹

But, how does shelter relate to development processes? Constructing shelter requires the use of materials from the environment, such as wood, aluminum, cement, and sand. The challenge for African policy makers is to explore what materials are available for shelter construction. According to Keto Mshigeni, Africa is endowed with several species of bamboo, some of which grow at the rate of 90 cm per day. Some of these bamboo species contain wood with a tensile strength that is comparable to that of steel. This being the case, African governments should explore ways of cultivating bamboo, which can generate building materials. The bamboo has other uses, as Mshigeni explains:

Some varieties of bamboo have lignocellulosic wood, which is good for paper manufacture. Some are excellent for making high quality furniture, including musical instruments such as flutes. Some are usable as firewood. Additionally, with its superb, fast growth rate, and with its ability to produce many new shoots from a single planting, it has great potential for preventing soil erosion and promoting environmental conservation.²²

Shelter is not just a part of development, but it is also a human right. A former UN Secretary-General, Javier Pérez de Cuéllar, argued in 1987 that shelter was “a basic human right and necessity.”²³ The notion that shelter is a basic human right suggests that failure by African governments to provide adequate shelter equals a violation of human rights. In view of this, the slums of Cairo, Johannesburg, Lagos, Nairobi and other major cities are a reminder that the governments of Egypt, South Africa, Nigeria, and Kenya, respectively, have failed to fulfill

their international obligations. It should be noted that homelessness is not confined to Africa. Even rich countries like the United States, the UK, France, and Australia have their share of people without shelter.

Nonetheless, the international norms relating to shelter imply that the legitimacy of African governments is partly based on their capacity to provide shelter for their citizens. In a speech inaugurating the International Year of Shelter for the Homeless in January 1987, Pérez de Cuéllar said: “The conditions in which people live determine to a greater extent their health, well-being and ability to engage in gainful occupation, to pursue self-improvement through education and recreation and, in consequence, to attain a better standard of living.”²⁴ It is the responsibility of the AU and its members, in partnership with civil society organizations and the developed world, to ensure that their citizens attain this right.

Rights and empowerment

If shelter is a human right and it is part of development, is development also a human right? The 1948 Universal Declaration of Human Rights (UDHR) as well as the 1966 International Covenant on Economic, Social and Cultural Rights, regarded development as a human right. Accordingly, African scholars and policy makers have argued for decades that development is a human right.

However, Western countries did not accept development as a human right until the 1990s. Indeed, the US government voted against the 1986 UN Declaration on the Right to Development. Several other Western countries abstained. More recently, the West has caught up with Africa and now considers development as a human right. Following the 1993 World Conference on Human Rights in Vienna, the Vienna Declaration and Programme of Action stated that “democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.”²⁵ This has various implications for African governments. As the global norm of development is predicated on the understanding that richer countries have a moral obligation to provide assistance to the poorer ones, Africa’s poverty can be blamed on the whole world.

As the 1993 Vienna Declaration and Programme of Action stated, there is a close relationship between development and democracy. Indeed, since the 1990s, it has been increasingly recognized that democracy, social progress, education, and the people’s participation in determining their own destinies are integral to development. The reason development and democracy are closely interrelated is that it is

difficult to describe a people as developed unless they participate meaningfully in the management of their community. The community may be a village, a clan, an ethnic network, a grassroots organization, a local council or the country as a whole. The term development has expanded to include democratization, an independent judiciary, and an open, responsible and accountable government.

This brings into focus the relationship between knowledge, empowerment and development. Former UN Secretary-General, Boutros Boutros-Ghali, appears to have had this in mind when he emphasized in 1995 that development “can only succeed if it responds to the needs of the people, and if it articulates these needs into a coherent policy framework.”²⁶ Through capacity building seminars and workshops, knowledge can be disseminated, which will, in turn, sensitize people to liberal democratic ideas and encourage them to participate more effectively in the development process.

In explaining the multi-purpose nature of sisal in April 2000, Mshigeni made interesting points about the equation of knowledge with empowerment and development. For more than 100 years, the sisal industry in Tanzania has focused on the leaf fibers. However, according to Mshigeni, the “huge basal bulb of the sisal plant is very rich in sugars.”²⁷ Suppose a workshop was organized for sisal farmers to instruct them on how to extract and utilize the sugar from sisal? They would be in a position to convert sisal sugars into alcohol and citric acid. Moreover, according to Mshigeni, the “residue left after extracting the leaf fibres” is “very rich in an aromatic compound, hecogenin, with vital medicinal potency for treating heart ailments.”²⁸ Thus, through empowerment workshops, ordinary farmers in Tanzania, Kenya and other places where sisal is grown, can be enabled to transform sisal into a very useful commodity. It is a challenge for African policy makers to work with scientists with a view to finding ways of empowering ordinary people, especially women, to use objects in their everyday lives to participate in development.

There is also a close relationship between development and human security. Indeed, various analysts have defined development and human security in similar terms. Like development, human security is primarily about the quality of life for individuals as well as their communities. For example, Caroline Thomas posits that human security “has both qualitative and quantitative aspects,” and that it is “pursued for the majority of humankind as part of a collective, most commonly the household, sometimes the village or the community defined along other criteria such as religion or caste.”²⁹ Thomas further argues: “At one level, [human security] is about the fulfillment of basic

material needs, and at another it is about the achievement of human dignity, which incorporates personal autonomy, control over one's life, and unhindered participation in the life of the community."³⁰ She observes that human security requires emancipation "from oppressive structures—be they global, national or local."³¹ Thus, human security and the broad definition of development refer to the same type of activities, processes, and achievements.

This discussion has highlighted the fact that development is propelled by globalization processes and is also intimately related to human security and good governance. This means that the tools through which the AU can pursue security, gender equality, good governance, respect for the rule of law and development are similar. To be sustained, such tools need to be reinforced by the progressive political and legal mechanisms of the member states.

Political and legal climate

Political and legal mechanisms or governance structures are crucial for innovation and the generation of knowledge. Any country's intellectual capital is only as strong as the political and legal climate permits. It is the governance structures of African states that have, in part, determined the poor shape of their knowledge bases. Calls for greater investments in science, technology, and innovations cannot be heeded by African states unless they restructure their political and legal systems. Just as foreign direct investments require supportive governance structures, investments in knowledge creation need an accommodating politico-legal climate.

There are several obstacles to the efficient production of knowledge in Africa. The first is the low remuneration for researchers and university lecturers in many states. South Africa is the exception, but even there the lecturers' salaries have been falling behind those of other professions. The second obstacle is the lack of flexibility in employment conditions. There are no incentives for hardworking researchers and lecturers, and no funds to hire the best researchers. The third is the constraints under which scholars carry out research. In developed countries, researchers simply need funds to conduct research. Ethics committees in their universities may insist on following ethical rules, but they do not hold them back. However, in many African states, researchers need research clearance certificates, and obtaining them can often take many months in some states. The fourth obstacle is the unwillingness of the political elite to recognize that competent researchers can provide useful input into the policy process.

If African states were to make use of the knowledge produced in Africa and elsewhere, the policy establishment would need to take a number of steps to reconfigure their governance structures. The first is to make the conditions for research more flexible and attractive by redesigning political and legal mechanisms that are accommodating to innovations in the social sciences and humanities, science and technology, and other fields. The donor community can play an important role of encouraging African states to take these initiatives by funding them. It is through such measures that Africa can benefit from a highly skilled and mobile workforce and develop appropriate knowledge economies. The knowledge-friendly governance structures required for African states to share in the benefits of the global knowledge economy may vary from one state to another, and from one sub-region to another. Appropriate structures and mechanisms should be able to tackle the need for flexibility in the workforce, accommodate innovations in the arts, science, and technology, and reform taxation rules, especially those relating to the importation of equipment associated with knowledge creation. They also need to address human rights, gender relations, environmental issues, and participatory democracy.

The second step is to provide a mechanism for integrating science, technology, and innovation adequately into development plans. Many African states are interested in the benefits of science, technology, and innovation, but some of them lack the basic policy infrastructures to integrate them sufficiently into development objectives. This may be blamed partly on the lack of strategic leadership, the lack of skilled personnel, and the nature of governance structures. Some critics have raised legitimate questions about genetic engineering, which, in its present form, is relatively new and may be fraught with danger and uncertainties. This issue needs to be addressed by the scientific community, including biotechnologists, ethicists, and environmental specialists, but, without a proper governance climate, it is not possible. It is through new governance structures and processes that African states can meaningfully integrate science, technology, and innovation into development plans and develop appropriate knowledge economies.

The third step is to design governance frameworks that take account of both global forces and indigenous contributions. African countries are part of international society, so their political and legal structures are partly derived from the rules, institutions, values, and norms that underpin life in other countries. For example, establishing knowledge-friendly governance frameworks in Africa would need to take into account the revolution in biotechnology and biomedical

research, global knowledge flows, and agricultural innovations. This may help African states take advantage of the latest technology to improve their crops, farm in semi-arid areas, and exploit their biodiversity resources. It also may facilitate the development of strategic partnerships between African universities and research centers, and their counterparts abroad. Therefore, it is imperative that African policy makers recast their governance structures in order to tap into knowledge that reflects the changes in global norms while at the same time serving the local needs.

However, foreign institutions cannot be transplanted root, stem, and branch into Africa without taking account of African practices. The structural adjustment programs (SAPs), which the IMF and the World Bank promoted from the 1980s, did not take into account the positive aspects of existing practices. As a result, SAPs were partly responsible for eroding the accumulated technological capacity in several sectors. The new structures need to reflect as much as possible the progressive values, norms, and standards in Africa. Indigenous Africans have knowledge about medicine, environmental management, and agriculture, which may be of use in the future. In this case, African universities can play important roles in setting the breadth and depth of indigenous values that are to be incorporated into the knowledge banks. Knowledge production demands that African policy makers promote, and experiment with, policies that incorporate social learning. Social learning encourages borrowing from other countries, but it also requires a greater understanding of the evolving social, cultural, economic, and scientific contexts within which African universities and research centers operate.

Thus, one of the priorities of the AU and its members should be to redesign governance structures that embody incentives and flexibility in workplace relations, provide room for the input of indigenous knowledge, and reflect the changing global norms and best practices. Policy makers need to recognize that universities and research centers have the capacity to play useful roles in policy making by identifying problems and suggesting solutions to them.

Capacity building

Africa has the least scientific capacity of any region in the world. According to the 1998 UNESCO World Science Report, Africa was virtually a bystander in most international science issues. It has not only failed to make an impact on the development of new materials and products, it has played no major role in the fast-moving, far-reaching

information technology, and communications industry.³² The UNESCO report claims that in a 1992 survey, Africa counted a total of 20,000 scientists and engineers who represented only 0.36 percent of the world's scientists. These scientists were responsible for only 0.8 percent of the total world scientific publications. Africa's share of patents is "close to zero," and whether it has produced a Nobel laureate for any scientific discipline is not clear. There are literally no "patents, scientific publications and technological innovations, the common yardsticks for science and technology output," in Africa.

There are several internal politico-economic reasons for Africa's fragile capacity in science, technology, and innovation. The first is the lack of political support for indigenous efforts in science and technology. A good illustration of the lack of devotion to scientific work is provided by an Ethiopian scientist who, in the 1990s, tried to isolate a soap ingredient for commercial exploitation from a soap berry plant, but gave up due to lack of government support and left for an American university. The American researchers he was working with not only discovered that the ingredient had other potentials, but deliberately failed to share their findings with the Ethiopian scientist. They then went on to develop the ingredient into a very rich anti-bilharzia treatment, patented their discovery and sold it to a pharmaceutical company for millions of dollars. If the Ethiopian government had supported its scholar, the scientific and financial benefits would have accrued to Ethiopia and its scientists.

The second, which is related to the first, is the minuscule expenditure on science education, research, and development in universities and research institutes.³³ Indeed, some African universities and other training institutes have been mismanaged, starved of research funds and neglected to the extent that they offer few answers to Africa's needs for knowledge. According to the 2006 UNDP *Human Development Report*, Africa spends 0.07 of its gross domestic product on research and development.³⁴ Due to the lack of funding from national governments, African research institutes almost fully rely on foreign donations, making them producers of knowledge that serves the interests of the donors. Without such foreign support, African research institutes could not survive. Although such support might be seen as a lifesaver for African research institutes, it also means that African scientists have to promote the research agenda of those funding them. Thus, these institutes rarely produce new knowledge that serves African interests. The African Panel on Biotechnology has underlined the "need to shift from dependence on relief models to a new emphasis on competence-building."³⁵

The third is the migration of scientists from Africa to other parts of the world, which is sometimes called the “brain drain.” As most research institutes are poorly funded and lack modern research equipment, most scientists have left the continent for greener pastures in Europe and North America. Since the 1960s, Africa has been losing a high percentage of its scientists due to poor remuneration, research equipment and other factors.

The volume and cost of the African brain drain is colossal. By 2006, it was estimated that the continent was losing 20,000 skilled professionals every year.³⁶ Most of these were highly trained professionals such as doctors, engineers, and other scientists. Since 1992, Algeria has lost an estimated 45,000 of its academics and researchers because of the civil war and a poor scientific environment. The brain drain produces “brain strain” on development by depriving Africa’s weak economies of their best human resources and through the hiring of expatriates at an estimated cost of \$5.6 billion a year.³⁷

To address these and similar problems, the African Panel on Biotechnology has called for the creation of African Regional Innovation Communities.³⁸ This approach has merit because the production of scientific knowledge in Africa is severely hampered by the lack of, or obsolete and dilapidated, infrastructure. This situation has compelled African scientists to operate in environments in which they merely perform routine tasks that contribute little or nothing to scientific innovations.

According to Zola Mbanguta, the chair of the UNESCO Science Commission and the Director of the CDIO Institute for Africa, “the developed nations constitute only 21% of the world population, but 3 out of every 1,000 of their population are researchers and they own 84% of the world’s research articles and 97% of research patents. The developing world constitutes 79% of the world population, but only 1 out of every 3,000 of their population is a researcher, and they own only 16% of the world’s research articles and only 3% of research patents.”³⁹ This gap needs to be filled by calibrated capacity building programs.

The term “capacity building” is often used to refer to a wide range of activities related to learning and the acquisition and use of knowledge. For example, the United Nations Environment Programme (UNEP) has defined capacity building as “the strengthening and/or development of human resources and institutional capacities. It involves the transfer of know-how, the development of appropriate facilities, and training in sciences related to safety in biotechnology and in the use of risk-assessment and risk-management.”⁴⁰ The term

“capacity building” is used here in a limited sense to refer to the building of human resources and societal structures and mechanisms that are necessary to perform specific tasks, namely the creation of knowledge using indigenous and global sources. It is employed to describe the creation of conditions and organizational structures through which African societies can achieve human welfare, participatory democracy, peace, and socio-economic justice.

As a process of acquiring and applying knowledge, capacity building legitimizes imitation. This implies that through capacity building, individuals are encouraged to adopt the skills, techniques, and methods of those whom they perceive as “successful” and apply them to address problems in their own situations.

Capacity building is crucial for development and for the application of appropriate science, technology, and innovation. Unfortunately, across the continent at this stage of Africa’s development, there are still very few appropriate organizational structures and outfits for capacity building. For this reason, developing institutional capacity remains a high priority for Africa.

Successful Asian states like Japan, Malaysia, Singapore, South Korea, and Taiwan care more about capacity building than do African states. The problem with this example is that these states built their intellectual capital under authoritarian or semi-authoritarian regimes, which African states have to avoid. However, there are aspects of these countries’ development that African states may need to emulate, namely adequate investment in capacity building. If African states do not do so, they are unlikely to succeed in creating the infrastructure that will get them out of the poverty cycle.

Donor countries insist that think tanks or research centers should play a role, but critics have raised doubts about the neoliberal-based epistemological and methodological straightjackets of these organizations. Besides the Institute of Security Studies, which was mentioned earlier, there are several reputable research centers in Africa. They include the African Centre for the Constructive Resolution of Disputes, the African Centre for Technology Studies, the African Economic Research Consortium, the Council for the Development of Social Sciences Research in Africa, the Kenya Institute of Public Policy Research and Analysis, and the UN University Institute for Natural Resources in Africa. The ambitions, competencies, and effectiveness of these, and similar, organizations vary enormously. They also face different financial, political, and legal constraints, depending on where they are based. Some of these research centers carry out rigorous policy analysis and have influenced state policies. However, unless some of

them move out of their neoliberal straitjackets, they are unlikely to support consistently policies that are predominantly geared towards human welfare, participatory democracy, and socio-economic justice.

In the long-term, African states will have to look for alternative ways of capacity building. The richer African states, like South Africa, might train their own personnel in most disciplines, with minimal outside assistance. The poorer states face more daunting tasks. They would need to give their universities strategic leaders, restructure them and fund them appropriately. If they cannot afford these measures, then policy makers in such states would need to explore opportunities of establishing regional institutes to help develop the capacity they need to enhance their knowledge bases. The African Panel on Biotechnology has suggested a model in its proposal for regional innovation centers based on the five African sub-regions: Central Africa, Eastern Africa, North Africa, Southern Africa, and West Africa.⁴¹

One of the priorities for African policy makers is to ensure that high quality research moves out of university campuses into the government ministries. In addition, African policy makers and educational leaders need to broaden and deepen research partnerships with industry, as well as with developed and other developing countries. Through such partnerships, they may acquire part of the knowledge and funding they need to help their societies establish strong knowledge bases. It is these measures that will pave the highway for the creation of competitive knowledge economies in Africa.

Conclusions

Compared to other parts of the world, Africa remains marginalized scientifically, economically, politically, and militarily due to its weak knowledge base. This situation presents four major challenges to the AU and African policy makers in general. The first is that African policy makers should define the type of knowledge they need. Knowledge has been used for different purposes, including creating profits for corporations at the expense of workers and waging war on other societies. African policy makers have to identify the knowledge they need to attain human welfare, participatory democracy, peace, and socio-economic justice. As Peter Vale has argued: “sound policy options often follow new understandings.”⁴²

The second challenge is to facilitate the emergence, nurturing or training of strategic leaders. Whether it is political, business, or educational leaders, or leaders in science, technology, and innovation, it is people with strategic vision who will find the way out of Africa’s marginalized

position. The donor community will need to play a role by providing training and exposing such leaders to the best practices.

The third challenge is to build the governance structures through which the AU and its members can more effectively address their problems in a globalizing environment. It is through an accommodating politico-legal climate that the African people can use new technologies, as well as indigenous knowledge, to participate meaningfully in development. Without transforming their governance structures, African states will have very limited chances of creating appropriate knowledge and subsequently addressing some of the main causes of poverty.

The final challenge is to revamp universities and other centers of learning, establish regional research centers, and deepen strategic partnerships with successful countries. African states have to take capacity building more seriously, as part of their efforts to create appropriate knowledge bases.

6 Challenges of globalization, security, and governance

In his final report to the UN General Assembly on September 19, 2006, Kofi Annan referred to three major challenges that the world faced: “the security challenge; the development challenge; and the challenge of human rights and the rule of law.”¹ These challenges are similar to those that the African Union and its member states face, and they call for a creative understanding and application of globalization processes. These issues are also a testimony to the dynamic tension between globalization, security, and governance.

Globalization is patchy in Africa, where large sections of the people have only limited access to information and communications technology. They also face widespread poverty, rampant corruption, random violence, gender inequality, autocratic rule, preventable diseases, hunger, and the lack of access to education, proper sanitary conditions, and adequate shelter. These are development issues, but they also constitute significant security and governance matters, and have been magnified by the processes of globalization.

The aforementioned problems are exacerbated by the fact that some of the heads of state and government that comprise the AU Assembly include dictators, who control their countries like personal fiefdoms and have no clear plans for relinquishing power through peaceful means. This situation runs counter to what Ben Kioko, legal advisor to the AU, has described as “the philosophical bases for cooperation” in the AU. These bases require that all member states “observe certain fundamental values and standards, including respect for human rights, democratic governance, and the condemnation of unconstitutional changes of government.”²

Thus, despite the euphoria that greeted the AU when it was established in 2002, little has been done to make it a people’s organization.³ The pursuit of people-centered security remains a forlorn hope, civil society organizations have been marginalized, and power struggles

among some regional players continue. The AU, which is still a work-in-progress, appears to be held back by some of the negative politics, cronyism, and other administrative malpractices that dogged the OAU. The rest of this chapter summarizes the globalization, security, and governance challenges for the AU.

The globalization challenge

As the African Panel on Biotechnology has stated, the AU “was established to play a dual role of catalyzing Africa’s participation in the global economy and addressing multifaceted social, economic and political problems, which would have negative aspects on globalization.”⁴ Thus, it was created partly to facilitate the processes of globalization, which some analysts and policy makers have associated with winners and losers. Like any human construction, globalization has no preordained consequences. Innovative policies and strategies can turn it into a win-win process for the people of Africa.

Accordingly, the challenge for the AU and its members is to embrace globalization, tame it and utilize it to deliver “wins” for the African people, especially in four significant areas: knowledge, health, agriculture, and transport and critical infrastructure.⁵ It is by addressing these challenges that the AU can meet one of its objectives, namely the promotion of “sustainable development at the economic, social and cultural levels as well as the integration of African economies” (Article 4(j)). It is also by addressing these challenges that the Union can bring about the emancipation and empowerment of the African people.

Knowledge is the key to many of Africa’s political, economic, social, environmental, and technological problems. However, there are various types of knowledge, which suggests that the AU and its member states have to make choices. Some types of knowledge can bring about freedom, development, and empowerment, while others might only succeed in keeping Africa impoverished. Therefore, the AU and African policy makers have to identify the types of knowledge they need for particular purposes and at particular times, and devise appropriate strategies for obtaining it. Without strategies to utilize new ideas and innovations in the exploitation of Africa’s resources, globalization might pass Africa by, and prospects for development and human emancipation will remain bleak.

To exploit the processes of globalization, African states would need to invest in knowledge production activities. They would also need to consider the following options:

- Engage the expertise of home-based scientists and scholars with a view to incorporating their ideas into development plans.
- Involve the expertise of African scientists and scholars in the diaspora, who may use their experiences abroad to benefit the continent.
- Seek the expertise of other scientists and scholars around the world with a view to building Africa's future capacity.
- Explore the possibility of combining insights from traditional knowledge with ideas from global sources.

It is through knowledge that Africa can exploit globalization to address the challenge in health and other critical areas. The Constitutive Act of the AU (Article 3[n]) has pledged that the Union would work "with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent." The promotion of basic health is a prerequisite for sustained economic growth, education, procreation, security, and development. Some of the indicators of development are improvements in life expectancy, reductions in infant mortality rates, and access to proper sanitary conditions. Globalization provides conditions through which the AU and African policy makers can address the HIV/AIDS pandemic, tackle women's and children's health issues, and deal with other common but devastating diseases, such as malaria, tuberculosis, asthma, intestinal parasites, and related tropical ailments. However, to do so, they need to invest in health and especially in the training and retention of doctors, nurses, and other health specialists. They also need to devise strategies through which governments, civil society organizations, and international partners can work together in the delivery of high quality and affordable health services throughout the continent.

If health services are necessary for other activities in society, agriculture is vital for the production of food and cash crops, for poverty alleviation, development, and foreign-exchange earnings. Indeed, a large portion of Africa's international trade is based on agriculture and forestry products. The challenge for African policy makers is to explore ways of utilizing globalization processes to try to overcome some of the common problems in agriculture, especially the restriction of farming to particular periods of the year. They should invest more in agriculture and ensure that they can feed the people while producing cash crops for exports. They also need to create an environment in which African scientists, in collaboration with international partners, experiment with crops that can be farmed in arid areas. Moreover, given the low levels of protein in the diets of many African families, policy makers need to consider whether they should provide an environment that

enables African scientists to experiment with crops, such as rice, millet, and maize that are richer in proteins, or keep out genetically modified crops all together. The issue of genetically modified organisms remains sensitive and needs to be addressed by the scientific community, including biotechnologists, ethicists, and environmental specialists. However, without an environment in which genuine and informed debate is encouraged, Africa will never know whether it is missing out on something useful or not.

If agriculture is crucial to the stability, development, and international trade of African states, it is so mainly because agricultural commodities can be transported from one point to another on roads, railways, aircraft or ships. The transport networks and other infrastructures are essential for development and human emancipation. Unfortunately, due to corruption, cronyism, nepotism, misguided policies, and the lack of appropriate knowledge, much of Africa has extremely poor transport infrastructure, antiquated energy and water supply facilities, and limited access to information and communications technology. This situation increases the cost of commodities, reduces the competitiveness of some economies, discourages foreign investments, and holds back the human emancipation and empowerment processes.

The AU was created to address the issue of globalization and to foster African integration, but without efficient roads, railways, ports, airports, and new information technologies, integration is unlikely to be achieved. The challenge for African policy makers is to invest in the construction and maintenance of transport networks and critical infrastructure. Transport networks and ICT can have various types of uses, but they should be geared towards facilitating the transformation of rural areas, stimulating agricultural production, promoting gender equality, encouraging small and medium enterprises, attracting foreign investments, and aiding regional integration.⁶ It is through such measures that African governments can construct genuine platforms for security and for human emancipation and empowerment.

The security challenge

One of the objectives of the AU is to promote peace, security, and stability as a prerequisite for the implementation of the development and integration agenda. The AU's Common African Defence and Security Policy defines security broadly to include human rights, the right to participate fully in the process of governance, the right to development, education, and health, and the right to protection against

poverty, marginalization, and natural disasters. This definition points in the direction of emancipation and empowerment.

However, the continuing conflicts in Darfur, the Great Lakes region, and Somalia suggest a failure on the part of the AU to meet its objective in peace and security. Equally disappointing are the deepening political, economic, and social crises in Zimbabwe. These security issues raise question marks about the Union's commitment and approach to security.

One of the biggest challenges that the AU faces in deploying its peace missions is the lack of resources, particularly human and financial. Although countries contributing units to AU missions have provided infantry battalions with modest assets, there is over-dependence on external assistance to deploy and remain operational. It has become apparent from the experiences of Burundi, Darfur, and Somalia that the AU cannot deploy a mission without funds from the donor community. For example, while pledges for support of AMIS were pouring in from the US, Canada, Australia, EU, Japan, and China, pledges from African countries were negligible, with Botswana categorically stating that it was not ready to send even troops. The absence of financial support has severely undermined the ability of AU missions to function effectively, and once deployed, the troops have faced difficulties in command and control, logistics and re-supply. To meet the challenges of security promptly and effectively, African states need to invest in the training of their personnel in PSO, sensitize them to gender issues, and establish a fund from which the AU can draw money expeditiously whenever PSO are mounted.

The AU also faces a major problem stemming from its concept of self-pacification, which has been undermined by the lack of the political will to intervene decisively in situations where lives are threatened. Attempts to make the search for a solution to the Darfur conflict an international effort were thwarted when African countries insisted that it was an "African problem" that needed an "African solution." This not only saw AU member states leading the way to oppose a UN Security Council resolution that had called for immediate sanctions against Sudan, but they also refused to acknowledge that the atrocities that were taking place in Darfur amounted to genocide, war crimes, and crimes against humanity. Moreover, when the then US Secretary of State Colin Powell stated before the US Senate Foreign Relations Committee in September 2004 that genocide had been committed in Darfur, the AU challenged him to back up his claims. The AU claimed that although its observer teams had found mass graves, this did not necessarily constitute genocide. In addition, the

AU did little to put pressure on Sudan in 2006/2007 to accept the proposal for a joint UN/AU peacekeeping force in Darfur. The challenge for the African Union is to acknowledge that the idea of applying African solutions to African problems may work in some circumstances and not in others. It needs also to accept that this concept runs counter to the Union's position that security is universal, global, and indivisible. Indeed, it would not be reasonable for the AU to insist on the idea of African solutions for African problems when African states are not willing or able to fund attempts to find solutions. Those who fund the African Union's security program would want to see an immediate end to war crimes and human rights abuses.

The AU also faces the serious challenge of erecting its peace and security architecture. Since 2002, the AU has been expected to create its peace and security architecture based on the structures that were established to assist the PSC. There is much that needs to be done to create the AU peace and security architecture and make the key structures of the PSC operational. Although there have been a number of collaborations between the AU, RECs and international organizations on matters relating to responding, managing, and resolving conflicts in Africa, there has yet to emerge a true partnership between the AU, RECs, the UN, and CSOs in promoting peace and security in Africa.

A related problem with regard to the AU peace and security processes concerns decision-making. The unclear rules of procedures within the AU system have led to delayed action or inaction. As of this writing, the Rules of Procedures of the Assembly, the Executive Council and the PSC did not stipulate how decisions on intervention under Articles 4(j) and 4(h) would be made.

In order for the AU to succeed in implementing the enormous peace and security agenda, it would need to address the challenges of building its administrative and operational capacity, running its organs and mechanisms well, and adequately funding its activities. It would also need to forge close partnerships with the RECs, CSOs, the UN, the EU, and other organizations. In addition, it needs to streamline its decision-making process and garner the political will to enable it to make the right decisions and fully implement them.

The governance challenge

As of this writing, the African Union remains a work-in-progress with numerous opportunities and challenges. Despite having a mandate to decisively tackle the challenges of peace, security, development, and governance, the AU still lacks an institutional environment for the

promotion of all its objectives and principles. Compliance with the AU principles, objectives, and decisions will have been much easier and realistic had there been oversight mechanisms provided for in the Constitutive Act. Presently, the Commission is extremely powerful and virtually controls the entire organization, to the detriment of other organs. The most prominent tussle for power is that between the Commission's peace and security department (PSD) and the PSC. Until July 2006, the PSC heavily relied on the PSD for secretarial support and expertise. However, over time, PSC members realized that they were merely endorsing the agenda and decisions of the PSD. At this writing, the PSC had decided that this *modus operandi* would have to change.

Although the Constitutive Act clearly identifies the component organs of the Union, it is silent on the powers and duties of most of these structures, as well as the sequencing of their establishment. The operationalization of these organs has proceeded without attention to core goals of the Union. Besides establishing the Assembly, the Executive Council, the PRC and the Commission, the organ that has received most attention is the PSC. On the other hand, organs such as the Economic, Social, and Cultural Council, the specialized committees, and the financial structures, have been pathetic. There has also been apathy towards the establishment and running of the Pan-African Parliament and the African Court of Human Rights, structures that are key to the promotion of security, governance, democracy, and justice. The sequencing and operationalization of these organs also betray power struggles among member states and reflect the interests of particular African leaders. The level of power struggles and outside influence over the sequencing of organs are determined by the nature of the issues involved and how much benefit the competing African leaders anticipate to derive from such issues. Hence, it appears much easier to garner support to set up mechanisms that deal with "soft" issues, such as knowledge, the environment, and information and communications technology, than "hard" issues, such as the peer-review process and performance monitoring.

The AU has also faced the daunting task of designing the organs and management systems required, and of acquiring technical assistance needed in building them. The Union had an exceedingly shallow pool of expertise to draw from to build the new complex structures stipulated by the Constitutive Act. Since it could not attract qualified expertise from international organizations, such as the UN, the AU was faced with the choice of either poaching personnel from regional economic communities and thereby draining their much-needed human

resources, or retaining the “seasoned” OAU staff. In retaining the OAU staff, the AU took a gamble and may have lost the opportunity of assembling highly professional, able, and committed personnel.

Although the AU and NEPAD place great emphasis on good governance and transparency of member states, they remain silent on how their financial structures and other organs of the AU will be held accountable and monitored within a framework of good governance and corporate responsibility. However, these oversights are merely a reflection of the historical fact that institution building, at both national and regional levels, has been one of Africa’s weakest points.⁷ The lack of an African standard for building and sustaining institutions has led to the creation of structures and mechanisms that serve as impediments to economic development, democratization, and implantation of justice values.⁸

Conclusions

The globalization, security, and governance challenges that the African Union, its member states, and the African people face are daunting, but they are not insurmountable. The key to most of the problems rests with knowledge. The tasks for the Union and its member states are to identify the right type of knowledge, for specific projects, and at particular times. It is always important for all concerned to bear in mind the fact that knowledge does not just float around. It is created for a specific purpose and for a particular policy or academic community. The AU and its member states need to search for knowledge that is likely to help them achieve human welfare, participatory democracy, peace, and socio-economic justice. Most importantly, they should seek knowledge that will lead to human emancipation and empowerment. Once this is done, all of the objectives of the African Union will have been achieved.

Appendix 1

The Constitutive Act of the African Union

WE, HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ORGANIZATION OF AFRICAN UNITY (OAU):

1. The President of the **People's Democratic Republic of Algeria**
2. The President of the **Republic of Angola**
3. The President of the **Republic of Benin**
4. The President of the **Republic of Botswana**
5. The President of **Burkina Faso**
6. The President of the **Republic of Burundi**
7. The President of the **Republic of Cameroon**
8. The President of the **Republic of Cape Verde**
9. The President of the **Central African Republic**
10. The President of the **Republic of Chad**
11. The President of the **Islamic Federal Republic of the Comoros**
12. The President of the **Republic of the Congo**
13. The President of the **Republic of Côte d'Ivoire**
14. The President of the **Democratic Republic of Congo**
15. The President of the **Republic of Djibouti**
16. The President of the **Arab Republic of Egypt**
17. The President of the **State of Eritrea**
18. The Prime Minister of the **Federal Democratic Republic of Ethiopia**
19. The President of the **Republic of Equatorial Guinea**
20. The President of the **Gabonese Republic**
21. The President of the **Republic of The Gambia**
22. The President of the **Republic of Ghana**
23. The President of the **Republic of Guinea**
24. The President of the **Republic of Guinea Bissau**
25. The President of the **Republic of Kenya**

26. The Prime Minister of **Lesotho**
27. The President of the **Republic of Liberia**
28. The Leader of the 1st of September Revolution of the **Great Socialist People's Libyan Arab Jamahiriya**
29. The President of the **Republic of Madagascar**
30. The President of the **Republic of Malawi**
31. The President of the **Republic of Mali**
32. The President of the **Islamic Republic of Mauritania**
33. The Prime Minister of the **Republic of Mauritius**
34. The President of the **Republic of Mozambique**
35. The President of the **Republic of Namibia**
36. The President of the **Republic of Niger**
37. The President of the **Federal Republic of Nigeria**
38. The President of the **Republic of Rwanda**
39. The President of the **Sahrawi Arab Democratic Republic**
40. The President of the **Republic of Sao Tome and Principe**
41. The President of the **Republic of Senegal**
42. The President of the **Republic of Seychelles**
43. The President of the **Republic of Sierra Leone**
44. The President of the **Republic of Somalia**
45. The President of the **Republic of South Africa**
46. The President of the **Republic of Sudan**
47. The King of **Swaziland**
48. The President of the **United Republic of Tanzania**
49. The President of the **Togolese Republic**
50. The President of the **Republic of Tunisia**
51. The President of the **Republic of Uganda**
52. The President of the **Republic of Zambia**
53. The President of the **Republic of Zimbabwe**

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9.99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

In this Constitutive Act:

“*Act*” means the present Constitutive Act;

“*AEC*” means the African Economic Community;

“*Assembly*” means the Assembly of Heads of State and Government of the Union;

“*Charter*” means the Charter of the OAU;

“*Commission*” means the Secretariat of the Union;

“*Committee*” means a Specialized Technical Committee of the Union;

“*Council*” means the Economic, Social and Cultural Council of the Union;

“*Court*” means the Court of Justice of the Union;

“*Executive Council*” means the Executive Council of Ministers of the Union;

“*Member State*” means a Member State of the Union;

“*OAU*” means the Organization of African Unity;

“*Parliament*” means the Pan-African Parliament of the Union;

“*Union*” means the African Union established by the present Constitutive Act.

Article 2

Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3

Objectives

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;

- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;
- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4

Principles

The Union shall function in accordance with the following principles:

- (a) sovereign equality and interdependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) participation of the African peoples in the activities of the Union;
- (d) establishment of a common defence policy for the African Continent;
- (e) peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;

- (f) prohibition of the use of force or threat to use force among Member States of the Union;
- (g) non-interference by any Member State in the internal affairs of another;
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) peaceful co-existence of Member States and their right to live in peace and security;
- (j) the right of Member States to request intervention from the Union in order to restore peace and security;
- (k) promotion of self-reliance within the framework of the Union;
- (l) promotion of gender equality;
- (m) respect for democratic principles, human rights, the rule of law and good governance;
- (n) promotion of social justice to ensure balanced economic development;
- (o) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) condemnation and rejection of unconstitutional changes of governments.

Article 5

Organs of the Union

1. The organs of the Union shall be:
 - (a) The Assembly of the Union;
 - (b) The Executive Council;
 - (c) The Pan-African Parliament;
 - (d) The Court of Justice;
 - (e) The Commission;
 - (f) The Permanent Representatives Committee;
 - (g) The Specialized Technical Committees;
 - (h) The Economic, Social and Cultural Council;
 - (i) The Financial Institutions;
2. Other organs that the Assembly may decide to establish.

Article 6

The Assembly

1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2. The Assembly shall be the supreme organ of the Union.
3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

Article 7

Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8

Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9

Powers and functions of the Assembly

1. The Functions of the Assembly shall be to:
 - (a) determine the common policies of the Union;
 - (b) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) consider requests for Membership of the Union;
 - (d) establish any organ of the Union;
 - (e) monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States;

- (f) adopt the budget of the Union;
 - (g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
 - (h) appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10

The Executive Council

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. The Executive Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11

Decisions of the Executive Council

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12

Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13

Functions of the Executive Council

1. The Executive Council shall coordinate and take decisions on policies in areas of common interest to the Member States, including the following:
 - (a) foreign trade;
 - (b) energy, industry and mineral resources;
 - (c) food, agricultural and animal resources, livestock production and forestry;
 - (d) water resources and irrigation;
 - (e) environmental protection, humanitarian action and disaster response and relief;
 - (f) transport and communications;
 - (g) insurance;
 - (h) education, culture, health and human resources development;
 - (i) science and technology;
 - (j) nationality, residency and immigration matters;
 - (k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
 - (l) establishment of a system of African awards, medals and prizes.
2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.
3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

Article 14

The Specialized Technical Committees: Establishment and Composition

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:
 - (a) The Committee on Rural Economy and Agricultural Matters;
 - (b) The Committee on Monetary and Financial Affairs;
 - (c) The Committee on Trade, Customs and Immigration Matters;
 - (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;

- (e) The Committee on Transport, Communications and Tourism;
 - (f) The Committee on Health, Labour and Social Affairs; and
 - (g) The Committee on Education, Culture and Human Resources.
2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
 3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15

Functions of the Specialized Technical Committees

Each Committee shall within its field of competence:

- (a) prepare projects and programmes of the Union and submit it to the Executive Council;
- (b) ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) ensure the coordination and harmonization of projects and programmes of the Union;
- (d) submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provisions of this Act; and
- (e) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16

Meetings

Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its Rules of Procedure and submit them to the Executive Council for approval.

Article 17

The Pan-African Parliament

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.

2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18

The Court of Justice

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19

The Financial Institutions

The Union shall have the following financial institutions whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

Article 20

The Commission

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21

The Permanent Representatives Committee

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.
2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22

The Economic, Social and Cultural Council

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23

Imposition of Sanctions

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, therefrom;
2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

Article 24

The Headquarters of the Union

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25

Working Languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26

Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27

Signature, Ratification and Accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28

Entry into Force

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

Article 29

Admission to Membership

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Article 30

Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

Article 31

Cessation of Membership

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32

Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article;
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.

Article 33

Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.
3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.
5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

Adopted in Lomé, Togo, on July 11, 2000.

Appendix 2

Protocol on amendments to the Constitutive Act of the African Union

The Member States of the African Union States Parties to the Constitutive Act of the African Union

HAVE AGREED TO ADOPT AMENDMENTS TO THE CONSTITUTIVE ACT AS FOLLOWS:

Article 1

Definitions

In this Protocol, the following expressions shall have the meanings assigned to them hereunder unless otherwise specified:

“*Act*” means the Constitutive Act

“*Assembly*” means the Assembly of Heads of State and Government of the African Union

“*Chairperson*” means chairperson of the Assembly

“*Court*” means the Court of Justice of the Union and Court of Justice has the same meaning

“*Union*” means the African Union

Article 2

Preamble

In the first paragraph of the Preamble to the Constitutive Act, the replacement of the words “founding fathers” with “founders”

Article 3

Objectives

In Article 3 of the Act (Objectives), the insertion of three new subparagraphs (i), (p) and (q) with consequential renumbering of subparagraphs:

The objectives of the Union shall be to:

...

- (i) ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;

...

- (p) develop and promote common policies on trade, defence and foreign relations to ensure the defence of the Continent and the strengthening of its negotiating positions;
- (q) invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.

Article 4

Principles

In Article 4 of the Act (Principles), the expansion of subparagraph (h) and the insertion of two new subparagraphs (q) and (r):

...

- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council;

...

- (q) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
- (r) prohibition of any Member State from allowing the use of its territory as a base for subversion against another Member State.

Article 5

Organs of the Union

In Article 5 of the Act (Organs of the Union), the insertion of a new subparagraph (f) with consequential renumbering of subsequent subparagraphs:

...

- (f) The Peace and Security Council

...

Article 6

The Assembly

In Article 6 of the Act (The Assembly) and where-ever else it occurs in the Act, the substitution of the word “Chairman” with “Chairperson”; the deletion of the second sentence of subparagraph 3 and the insertion of new paragraphs 4, 5, 6 and 7.

...

3. The Assembly shall meet at least once a year in ordinary session.
4. At the initiative of the Chairperson after due consultation with all Member States, or at the request of any Member State and upon approval by two-thirds majority of Member States, the Assembly shall meet in Extraordinary Session.
5. The Assembly shall elect its Chairperson from among the Heads of State or Government at the beginning of each ordinary session and on the basis of rotation for a period of one year renewable.
6. The Chairperson shall be assisted by a Bureau chosen by the Assembly on the basis of equitable geographical representation.
7. Where the Assembly meets at the Headquarters, an election of the Chairperson shall be held taking into account the principle of rotation.

Article 7

Functions of the Chairperson of the Assembly

The insertion in the Act of a new Article 7 (bis):

1. The Chairperson shall represent the Union, during his/her tenure with a view to promoting the objectives and principles of the African Union as stipulated in Articles 3 and 4 of the Act. He/She

shall also, with the collaboration of the Chairperson of the Commission, carry out the functions of the Assembly set out in Article 9(e) and (g) of the Act.

2. The Chairperson may convene the meeting of the other organs through their Chairpersons or Chief Executives and in accordance with their respective Rules of Procedure.

Article 8

The Executive Council

In Article 10 of the Act (The Executive Council), the insertion of a new paragraph 3:

...

3. The Chairperson of the Executive Council shall be assisted by a Bureau chosen by the Executive Council on the basis of equitable geographical representation.

Article 9

Peace and Security Council

The insertion in the Act of a new Article 20(bis):

1. There is hereby established, a Peace and Security Council (PSC) of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.
2. The functions, powers, composition and organization of the PSC shall be determined by the Assembly and set out in a protocol relating thereto.

Article 10

The Permanent Representatives Committee

In Article 21 of the Act (The Permanent Representatives Committee) the insertion of a new paragraph 3:

...

3. The Chairperson of the Permanent Representatives Committee shall be assisted by a Bureau chosen on the basis of equitable geographical representation.

Article 11

Official Languages

In Article 25 of the Act (Working Languages), replace the title “Working Languages” by “Official Languages” and substitute the existing provision with:

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language.
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

Article 12

Cessation of Membership

Article 31 of the Act (Cessation of Membership) is deleted.

Article 13

Entry into Force

This Protocol shall enter into force thirty days after the deposit of the instruments of ratification by a two-thirds majority of the Member States.

*Adopted by the 1st Extraordinary Session
of the Assembly of the Union in Addis
Ababa, Ethiopia on February 3, 2003
and by the 2nd Ordinary Session of the
Assembly of the Union in Maputo,
Mozambique on July 11, 2003*

Appendix 3

African Union's Charter on Democracy, Elections, and Governance

Preamble

WE, THE MEMBER STATES OF THE AFRICAN UNION (AU);

INSPIRED by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasise the significance of good governance, popular participation, the rule of law and human rights;

RECOGNISING the contributions of the African Union and Regional Economic Communities to the promotion, nurturing, strengthening and consolidation of democracy and governance;

REAFFIRMING our collective will to work relentlessly to deepen and consolidate the rule of law, peace, security and development in our countries;

GUIDED by our common mission to strengthen and consolidate institutions for good governance, continental unity and solidarity;

COMMITTED to promote the universal values and principles of democracy, good governance, human rights and the right to development;

COGNIZANT of the historical and cultural conditions in Africa;

SEEKING to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

CONCERNED about the unconstitutional changes of governments that are one of the essential causes of insecurity, instability and violent conflict in Africa;

DETERMINED to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy;

CONVINCED of the need to enhance the election observation missions in the role they play, particularly as they are an important contributory factor to ensuring the regularity, transparency and credibility of elections;

DESIROUS to enhance the relevant Declarations and Decisions of the OAU/AU (including the 1990 Declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world, the 1995 Cairo Agenda for the Re-launch of Africa's Economic and Social Development, the 1999 Algiers Declaration on Unconstitutional Changes of Government, the 2000 Lomé Declaration for an OAU Response to Unconstitutional Changes of Government, the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 2003 Protocol Relating to the Establishment of the Peace and Security Council of the African Union);

COMMITTED to implementing Decision EX.CL/Dec.31(III) adopted in Maputo, Mozambique, in July 2003 and Decision EX.CL/124(V) adopted in Addis Ababa, Ethiopia, in May 2004 respectively, by the adoption of an African Charter on Democracy, Elections and Governance;

HAVE AGREED AS FOLLOWS:

1 Definitions

Article 1

In this Charter, unless otherwise stated, the following expressions shall have the following meaning:

“**AU**” means the African Union;

“**African Human Rights Commission**” means the African Commission on Human and Peoples' Rights;

“**African Peer Review Mechanism**” APRM means the African Peer Review Mechanism;

“*Assembly*” means the Assembly of Heads of State and Government of the African Union;

“*Commission*” means the Commission of the Union;

“*Constitutive Act*” means the Constitutive Act of the Union;

“*Charter*” means the African Charter on Democracy, Elections and Governance;

“*Member States*” means the Member States of the African Union;

“*National Electoral Body*” means a competent authority, established by the relevant legal instruments of a State Party, responsible for organizing and supervising elections;

“*NEPAD*” means the New Partnership for Africa’s Development;

“*Peace and Security Council*” means the Peace and Security Council of the African Union;

“*Regional Economic Communities*” means the regional integration blocs of the African Union;

“*State Party*” means any Member State of the African Union which has ratified or acceded to this Charter and deposited the instruments for ratification or accession with the Chairperson of the African Union Commission;

“*Union*” means the African Union.

2 Objectives

Article 2

The objectives of this Charter are to:

1. Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights;
2. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties;
3. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments;
4. Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development;
5. Promote and protect the independence of the judiciary;
6. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance;

7. Encourage effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration;
8. Promote State Parties' sustainable development and human security;
9. Promote the fight against corruption in conformity with the provisions of the AU Convention on Preventing and Combating Corruption adopted in Maputo, Mozambique in July 2003;
10. Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs;
11. Promote gender balance and equality in the governance and development processes;
12. Enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance; and
13. Promote best practices in the management of elections for purposes of political stability and good governance.

3 Principles

Article 3

State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;
4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
6. Promotion of gender equality in public and private institutions;
7. Effective participation of citizens in democratic and development processes and in governance of public affairs;
8. Transparency and fairness in the management of public affairs;
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government;
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

4 Democracy, Rule of Law and Human Rights

Article 4

1. State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.
2. State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people.

Article 5

State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power.

Article 6

State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.

Article 7

State Parties shall take all necessary measures to strengthen the Organs of the Union that are mandated to promote and protect human rights and to fight impunity and endow them with the necessary resources.

Article 8

1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance.
2. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
3. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation.

Article 9

State Parties undertake to design and implement social and economic policies and programmes that promote sustainable development and human security.

Article 10

1. State Parties shall entrench the principle of the supremacy of the constitution in the political organization of the State.
2. State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum.
3. State Parties shall protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society.

5 The Culture of Democracy and Peace

Article 11

The State Parties undertake to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace.

Article 12

State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace.

To this end, State Parties shall:

1. Promote good governance by ensuring transparent and accountable administration.
2. Strengthen political institutions to entrench a culture of democracy and peace.
3. Create conducive conditions for civil society organizations to exist and operate within the law.
4. Integrate civic education in their educational curricula and develop appropriate programmes and activities.

Article 13

State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.

6 Democratic Institutions

Article 14

1. State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.
2. State Parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.
3. State Parties shall cooperate with each other to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.

Article 15

1. State Parties shall establish public institutions that promote and support democracy and constitutional order.
2. State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution.
3. State Parties shall ensure that these institutions are accountable to competent national organs.
4. State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

Article 16

State Parties shall cooperate at regional and continental levels in building and consolidating democracy through exchange of experiences.

7 Democratic Elections

Article 17

State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa.

To this end, State Parties shall:

1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.
2. Establish and strengthen national mechanisms that redress election related disputes in a timely manner.

3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.
4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them through exclusively legal channels.

Article 18

1. State Parties may request the Commission, through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, to provide advisory services or assistance for strengthening and developing their electoral institutions and processes.
2. The Commission may at any time, in consultation with the State Party concerned, send special advisory missions to provide assistance to that State Party for strengthening its electoral institutions and processes.

Article 19

1. Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission.
2. Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.

Article 20

The Chairperson of the Commission shall first send an exploratory mission during the period prior to elections. This mission shall obtain any useful information and documentation, and brief the Chairperson, stating whether the necessary conditions have been established and if the environment is conducive to the holding of transparent, free and fair elections in conformity with the principles of the Union governing democratic elections.

Article 21

1. The Commission shall ensure that these missions are independent and shall provide them with the necessary resources for that purpose.

2. Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring, drawn from continental and national institutions such as, but not limited to, the Pan-African Parliament, national electoral bodies, national legislatures and eminent persons taking due cognizance of the principles of regional representation and gender equality.
3. Electoral observer missions shall be conducted in an objective, impartial and transparent manner.
4. All electoral observer missions shall present the report of their activities to the Chairperson of the Commission within a reasonable time.
5. A copy of the report shall be submitted to the State Party concerned within a reasonable time.

Article 22

State Parties shall create a conducive environment for independent and impartial national monitoring or observation mechanisms.

8 Sanctions in Cases of Unconstitutional Changes of Government

Article 23

State Parties agree that the use of, *inter alia*, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union:

1. Any putsch or coup d'état against a democratically elected government.
2. Any intervention by mercenaries to replace a democratically elected government.
3. Any replacement of a democratically elected government by armed dissidents or rebels.
4. Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections;
or
5. Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

Article 24

When a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power,

the Peace and Security Council shall exercise its responsibilities in order to maintain the constitutional order in accordance with relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, hereinafter referred to as the Protocol.

Article 25

1. When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7(g) of the Protocol. The suspension shall take effect immediately.
2. However, the suspended State Party shall continue to fulfill its obligations to the Union, in particular with regard to those relating to respect of human rights.
3. Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic contacts and take any initiatives to restore democracy in that State Party.
4. The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State.
5. Perpetrators of unconstitutional change of government may also be tried before the competent court of the Union.
6. The Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act.
7. The Assembly may decide to apply other forms of sanctions on perpetrators of unconstitutional change of government including punitive economic measures.
8. State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional changes of government.
9. State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to effect their extradition.
10. State Parties shall encourage conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance.

Article 26

The Peace and Security Council shall lift sanctions once the situation that led to the suspension is resolved.

9 Political, Economic and Social Governance

Article 27

In order to advance political, economic and social governance, State Parties shall commit themselves to:

1. Strengthening the capacity of parliaments and legally recognized political parties to perform their core functions;
2. Fostering popular participation and partnership with civil society organizations;
3. Undertaking regular reforms of the legal and justice systems;
4. Improving public sector management;
5. Improving efficiency and effectiveness of public services and combating corruption;
6. Promoting the development of the private sector through, inter alia, enabling legislative and regulatory framework;
7. Development and utilization of information and communication technologies;
8. Promoting freedom of expression, in particular freedom of the press and fostering a professional media;
9. Harnessing the democratic values of the traditional institutions; and
10. Preventing the spread and combating the impact of diseases such as Malaria, Tuberculosis, HIV/AIDS, Ebola fever, and Avian Flu.

Article 28

State Parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector.

Article 29

1. State Parties shall recognize the crucial role of women in development and strengthening of democracy.
2. State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.

3. State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

Article 30

State Parties shall promote citizen participation in the development process through appropriate structures.

Article 31

1. State Parties shall promote participation of social groups with special needs, including the youth and people with disabilities, in the governance process.
2. State Parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes.

Article 32

State Parties shall strive to institutionalize good political governance through:

1. Accountable, efficient and effective public administration;
2. Strengthening the functioning and effectiveness of parliaments;
3. An independent judiciary;
4. Relevant reforms of public institutions including the security sector;
5. Harmonious relationships in society including civil–military relations;
6. Consolidating sustainable multiparty political systems;
7. Organising regular, free and fair elections; and
8. Entrenching and respecting the principle of the rule of law.

Article 33

State Parties shall institutionalize good economic and corporate governance through, inter alia:

1. Effective and efficient public sector management;
2. Promoting transparency in public finance management;
3. Preventing and combating corruption and related offences;
4. Efficient management of public debt;
5. Prudent and sustainable utilization of public resources;

6. Equitable allocation of the nation's wealth and natural resources;
7. Poverty alleviation;
8. Enabling legislative and regulatory frameworks for private sector development;
9. Providing a conducive environment for foreign capital inflows;
10. Developing tax policies that encourage investment;
11. Preventing and combating crime;
12. Elaborating and implementing economic development strategies including private–public sector partnerships;
13. An efficient and effective tax system premised upon transparency and accountability.

Article 34

State Parties shall decentralize power to democratically elected local authorities as provided in national laws.

Article 35

Given the enduring and vital role of traditional authorities, particularly in rural communities, the State Parties shall strive to find appropriate ways and means to increase their integration and effectiveness within the larger democratic system.

Article 36

State Parties shall promote and deepen democratic governance by implementing the principles and core values of the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and, where applicable, the African Peer Review Mechanism (APRM).

Article 37

State Parties shall pursue sustainable development and human security through achievement of NEPAD objectives and the United Nations Millennium Development Goals (MDGs).

Article 38

1. State Parties shall promote peace, security and stability in their respective countries, regions and in the continent by fostering participatory political systems with well-functioning and, if need be, inclusive institutions;

2. State Parties shall promote solidarity amongst Member States and support the conflict prevention and resolution initiatives that the Union may undertake in conformity with the Protocol establishing the Peace and Security Council.

Article 39

State Parties shall promote a culture of respect, compromise, consensus and tolerance as a means to mitigate conflicts, promote political stability and security, and to harness the creative energies of the African peoples.

Article 40

State Parties shall adopt and implement policies, strategies and programmes required to generate productive employment, mitigate the impact of diseases and alleviate poverty and eradicate extreme poverty and illiteracy.

Article 41

State Parties shall undertake to provide and enable access to basic social services to the people.

Article 42

State Parties shall implement policies and strategies to protect the environment to achieve sustainable development for the benefit of the present and future generations. In this regard, State Parties are encouraged to accede to the relevant treaties and other international legal instruments.

Article 43

1. State Parties shall endeavour to provide free and compulsory basic education to all, especially girls, rural inhabitants, minorities, people with disabilities and other marginalized social groups.
2. In addition, State Parties shall ensure the literacy of citizens above compulsory school age, particularly women, rural inhabitants, minorities, people with disabilities, and other marginalized social groups.

10 Mechanisms for Application

Article 44

To give effect to the commitments contained in this Charter:

1. *Individual State Party Level*: State Parties commit themselves to implement the objectives, apply the principles and respect the commitments enshrined in this Charter as follows:
 - (a) State Parties shall initiate appropriate measures including legislative, executive and administrative actions to bring State Parties' national laws and regulations into conformity with this Charter;
 - (b) State Parties shall take all necessary measures in accordance with constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles;
 - (c) State Parties shall promote political will as a necessary condition for the attainment of the goals set forth in this Charter;
 - (d) State Parties shall incorporate the commitments and principles of the Charter in their national policies and strategies.

2. *Commission Level*
 - A. *At Continental Level*
 - (a) The Commission shall develop benchmarks for implementation of the commitments and principles of this Charter and evaluate compliance by State Parties;
 - (b) The Commission shall promote the creation of favourable conditions for democratic governance in the African Continent, in particular by facilitating the harmonization of policies and laws of State Parties;
 - (c) The Commission shall take the necessary measures to ensure that the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund provide the needed assistance and resources to State Parties in support of electoral processes;
 - (d) The Commission shall ensure that effect is given to the decisions of the Union in regard to unconstitutional change of government on the Continent.

B. At Regional Level:

The Commission shall establish a framework for cooperation with Regional Economic Communities on the implementation of the principles of the Charter. In this regard, it shall commit the Regional Economic Communities (RECs) to:

- (a) Encourage Member States to ratify or adhere to this Charter.
- (b) Designate focal points for coordination, evaluation and monitoring of the implementation of the commitments and principles enshrined in this Charter in order to ensure massive participation of stakeholders, particularly civil society organizations, in the process.

Article 45

The Commission shall:

- (a) Act as the central coordinating structure for the implementation of this Charter;
- (b) Assist State Parties in implementing the Charter;
- (c) Coordinate evaluation on implementation of the Charter with other key organs of the Union including the Pan-African Parliament, the Peace and Security Council, the African Human Rights Commission, the African Court of Justice and Human Rights, the Economic, Social and Cultural Council, the Regional Economic Communities and appropriate national-level structures.

11 Final Clauses

Article 46

In conformity with applicable provisions of the Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Assembly and the Peace and Security Council shall determine the appropriate measures to be imposed on any State Party that violates this Charter.

Article 47

1. This Charter shall be open for signature, ratification and accession by Member States of the Union in accordance with their respective constitutional procedures.

2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

Article 48

This Charter shall enter into force thirty (30) days after the deposit of fifteen (15) Instruments of Ratification.

Article 49

1. State Parties shall submit every two years, from the date the Charter comes into force, a report to the Commission on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter;
2. A copy of the report shall be submitted to the relevant organs of the Union for appropriate action within their respective mandates;
3. The Commission shall prepare and submit to the Assembly, through the Executive Council, a synthesized report on the implementation of the Charter;
4. The Assembly shall take appropriate measures aimed at addressing issues raised in the report.

Article 50

1. Any State Party may submit proposals for the amendment or revision of this Charter;
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to State Parties within thirty (30) days of receipt thereof;
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals at its session following notification, provided all State Parties have been notified at least three (3) months before the beginning of the session;
4. The Assembly shall adopt amendments or revisions by consensus or failing which, by two-thirds majority;
5. The amendments or revisions shall enter into force when approved by two-thirds majority of State Parties.

Article 51

1. The Chairperson of the Commission shall be the depository of this Charter;

2. The Chairperson of the Commission shall inform all Member States of the signature, ratification, accession, entry into force, reservations, requests for amendments and approvals thereof;
3. Upon entry into force of this Charter, the Chairperson of the Commission shall register it with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article 52

None of the provisions of the present Charter shall affect more favorable provisions relating to democracy, elections and governance contained in the national legislation of State Parties or in any other regional, continental or international conventions or agreements applicable in these State Parties.

Article 53

This Charter, drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies of same to all Member States and the United Nations General Secretariat.

*Adopted by the eighth ordinary session of the
Assembly, held in Addis Ababa, Ethiopia,
January 30, 2007*

Appendix 4

Protocol relating to the establishment of the Peace and Security Council of the African Union

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE AFRICAN UNION;

CONSIDERING the Constitutive Act of the African Union and the Treaty establishing the African Economic Community, as well as the Charter of the United Nations;

RECALLING the Declaration on the establishment, within the Organization of African Unity (OAU), of a Mechanism for Conflict Prevention, Management and Resolution, adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, from 28 to 30 June 1993;

RECALLING also Decision AHG/Dec.160 (XXXVII) adopted by the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lusaka, Zambia, from 9 to 11 July 2001, by which the Assembly decided to incorporate the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution as one of the organs of the Union, in accordance with Article 5(2) of the Constitutive Act of the African Union, and, in the regard, requested the Secretary-General to undertake a review of the structures, procedures and working methods of the Central Organ, including the possibility of changing its name;

MINDFUL of the provisions of the Charter of the United Nations, conferring on the Security Council primary responsibility for the maintenance of international peace and security, as well as the provisions of the Charter on the role of regional arrangements or agencies in the maintenance of international peace and security, and the need to forge closer cooperation and partnership between the United Nations,

other international organizations and the African Union, in the promotion and maintenance of peace, security and stability in Africa;

ACKNOWLEDGING the contribution of African Regional Mechanisms for Conflict Prevention, Management and Resolution in the maintenance and promotion of peace, security and stability on the Continent and the need to develop formal coordination and cooperation arrangements between these Regional Mechanisms and the African Union;

RECALLING Decisions AHG/Dec.141 (XXXV) and AHG/Dec.142 (XXXV) on Unconstitutional Changes of Government, adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Algiers, Algeria, from 12 to 14 July 1999, and Declaration AHG/Decl.5 (XXXVI) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lomé, Togo, from 10 to 12 July 2000;

REAFFIRMING our commitment to Solemn Declaration AHG/Decl.4 (XXXVI) on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lomé, Togo, from 10 to 12 July 2000, as well as Declaration AHG/Decl.1 (XXXVII) on the New Partnership for Africa's Development (NEPAD), which was adopted by the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lusaka, Zambia, from 9 to 11 July 2001;

AFFIRMING our further commitment to Declaration AHG/Decl.2 (XXX) on the Code of Conduct for Inter-African Relations, adopted by the 30th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Tunis, Tunisia, from 13 to 15 June 1994, as well as the Convention on the Prevention and Combating of Terrorism, adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Algiers, Algeria, from 12 to 14 July 1999;

CONCERNED about the continued prevalence of armed conflicts in Africa and the fact that no single internal factor has contributed more to socioeconomic decline on the Continent and the suffering of the civilian population than the scourge of conflicts within and between our States;

CONCERNED also by the fact that conflicts have forced millions of our people, including women and children, into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope;

CONCERNED FURTHER about the scourge of landmines in the Continent and **RECALLING**, in this respect, the Plan of Action on a Landmine Free Africa, adopted by the 1st Continental Conference of African Experts on Anti-Personnel Mines, held in Kempton Park, South Africa, from 17 to 19 May 1997, and endorsed by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, from 26 to 30 May 1997, as well as subsequent decisions adopted by the OAU on this issue;

CONCERNED ALSO about the impact of the illicit proliferation, circulation and trafficking of small arms and light weapons in threatening peace and security in Africa and undermining efforts to improve the living standards of African peoples and **RECALLING**, in this respect, the Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted by the OAU Ministerial Conference held in Bamako, Mali, from 30 November to 1 December 2000, as well as all subsequent OAU decisions on this issue;

AWARE that the problems caused by landmines and the illicit proliferation, circulation and trafficking of small arms and light weapons constitute a serious impediment to Africa's social and economic development, and that they can only be resolved within the framework of increased and well coordinated continental cooperation;

AWARE ALSO of the fact that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts;

DETERMINED to enhance our capacity to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent;

DESIROUS of establishing an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction, in accordance with the authority conferred in that regard by Article 5(2) of the Constitutive Act of the African Union;

HEREBY AGREE ON THE FOLLOWING:

Article 1

Definitions

For the purpose of this Protocol:

- (a) “*Protocol*” shall mean the present Protocol;
- (b) “*Cairo Declaration*” shall mean the Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution;
- (c) “*Lomé Declaration*” shall mean the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government;
- (d) “*Constitutive Act*” shall mean the Constitutive Act of the African Union;
- (e) “*Union*” shall mean the African Union;
- (f) “*Assembly*” shall mean the Assembly of Heads of State and Government of the African Union;
- (g) “*Commission*” shall mean the Commission of the African Union;
- (h) “*Regional Mechanisms*” shall mean the African Regional Mechanisms for Conflict Prevention, Management and Resolution;
- (i) “*Member States*” shall mean Member States of the African Union.

Article 2

Establishment, Nature and Structure

1. There is hereby established, pursuant to Article 5(2) of the Constitutive Act, a Peace and Security Council within the Union, as a standing decision-making organ for the prevention, management and resolution of conflicts. The Peace and Security Council shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

2. The Peace and Security Council shall be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.

Article 3

Objectives

The objectives for which the Peace and Security Council is established shall be to:

- (a) promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development;
- (b) anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts;
- (c) promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;
- (d) co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;
- (e) develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act;
- (f) promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

Article 4

Principles

The Peace and Security Council shall be guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights. It shall, in particular, be guided by the following principles:

- (a) peaceful settlement of disputes and conflicts;

- (b) early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts;
- (c) respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law;
- (d) interdependence between socio-economic development and the security of peoples and States;
- (e) respect for the sovereignty and territorial integrity of Member States;
- (f) non-interference by any Member State in the internal affairs of another;
- (g) sovereign equality and interdependence of Member States;
- (h) inalienable right to independent existence;
- (i) respect of borders inherited on achievement of independence;
- (j) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with Article 4(h) of the Constitutive Act;
- (k) the right of Member States to request intervention from the Union in order to restore peace and security, in accordance with Article 4(j) of the Constitutive Act.

Article 5

Composition

1. The Peace and Security Council shall be composed of fifteen Members elected on the basis of equal rights, in the following manner:
 - (a) ten Members elected for a term of two years; and
 - (b) five Members elected for a term of three years in order to ensure continuity.
2. In electing the Members of the Peace and Security Council, the Assembly shall apply the principle of equitable regional representation and rotation, and the following criteria with regard to each prospective Member State:
 - (a) commitment to uphold the principles of the Union;
 - (b) contribution to the promotion and maintenance of peace and security in Africa – in this respect, experience in peace support operations would be an added advantage;
 - (c) capacity and commitment to shoulder the responsibilities entailed in membership;

- (d) participation in conflict resolution, peace-making and peace-building at regional and continental levels;
 - (e) willingness and ability to take up responsibility for regional and continental conflict resolution initiatives;
 - (f) contribution to the Peace Fund and/or Special Fund created for specific purpose;
 - (g) respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights;
 - (h) having sufficiently staffed and equipped Permanent Missions at the Headquarters of the Union and the United Nations, to be able to shoulder the responsibilities which go with the membership; and
 - (j) commitment to honor financial obligations to the Union.
3. A retiring Member of the Peace and Security Council shall be eligible for immediate re-election.
 4. There shall be a periodic review by the Assembly to assess the extent to which the Members of the Peace and Security Council continue to meet the requirements spelt out in article 5 (2) and to take action as appropriate.

Article 6

Functions

The Peace and Security Council shall perform functions in the following areas:

- (a) promotion of peace, security and stability in Africa;
- (b) early warning and preventive diplomacy;
- (c) peace-making, including the use of good offices, mediation, conciliation and enquiry;
- (d) peace support operations and intervention, pursuant to article 4 (h) and (j) of the Constitutive Act;
- (e) peace-building and post-conflict reconstruction;
- (f) humanitarian action and disaster management;
- (g) any other function as may be decided by the Assembly.

Article 7

Powers

1. In conjunction with the Chairperson of the Commission, the Peace and Security Council shall:

- (a) anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity;
- (b) undertake peace-making and peace-building functions to resolve conflicts where they have occurred;
- (c) authorize the mounting and deployment of peace support missions;
- (d) lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines;
- (e) recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments;
- (f) approve the modalities for intervention by the Union in a Member State, following a decision by the Assembly, pursuant to article 4(j) of the Constitutive Act;
- (g) institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the Lomé Declaration;
- (h) implement the common defense policy of the Union;
- (i) ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at regional and continental levels to combat international terrorism;
- (j) promote close harmonization, co-ordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa;
- (k) promote and develop a strong “partnership for peace and security” between the Union and the United Nations and its agencies, as well as with other relevant international organizations;
- (l) develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union’s objectives and priorities;
- (m) follow-up, within the framework of its conflict prevention responsibilities, the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by Member States;

- (n) promote and encourage the implementation of OAU/AU, UN and other relevant international Conventions and Treaties on arms control and disarmament;
 - (o) examine and take such appropriate action within its mandate in situations where the national independence and sovereignty of a Member State is threatened by acts of aggression, including by mercenaries;
 - (p) support and facilitate humanitarian action in situations of armed conflicts or major natural disasters;
 - (q) submit, through its Chairperson, regular reports to the Assembly on its activities and the state of peace and security in Africa; and
 - (r) decide on any other issue having implications for the maintenance of peace, security and stability on the Continent and exercise powers that may be delegated to it by the Assembly, in accordance with Article 9 (2) of the Constitutive Act.
2. The Member States agree that in carrying out its duties under the present Protocol, the Peace and Security Council acts on their behalf.
 3. The Member States agree to accept and implement the decisions of the Peace and Security Council, in accordance with the Constitutive Act.
 4. The Member States shall extend full cooperation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts, pursuant to the duties entrusted to it under the present Protocol.

Article 8

Procedure

Organization and Meetings

1. The Peace and Security Council shall be so organized as to be able to function continuously. For this purpose, each Member of the Peace and Security Council shall, at all times, be represented at the Headquarters of the Union.
2. The Peace and Security Council shall meet at the level of Permanent Representatives, Ministers or Heads of State and Government. It shall convene as often as required at the level of Permanent Representatives, but at least twice a month. The Ministers and the Heads of State and Government shall meet at least once a year, respectively.

3. The meetings of the Peace and Security Council shall be held at the Headquarters of the Union.
4. In the event a Member State invites the Peace and Security Council to meet in its country, provided that two-thirds of the Peace and Security Council members agree, that Member State shall defray the additional expenses incurred by the Commission as a result of the meeting being held outside the Headquarters of the Union.

Subsidiary Bodies and Sub-Committees

5. The Peace and Security Council may establish such subsidiary bodies as it deems necessary for the performance of its functions. Such subsidiary bodies may include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States. The Peace and Security Council shall also seek such military, legal and other forms of expertise as it may require for the performance of its functions.

Chairmanship

6. The chair of the Peace and Security Council shall be held in turn by the Members of the Peace and Security Council in the alphabetical order of their names. Each Chairperson shall hold office for one calendar month.

Agenda

7. The provisional agenda of the Peace and Security Council shall be determined by the Chairperson of the Peace and Security Council on the basis of proposals submitted by the Chairperson of the Commission and Member States. The inclusion of any item in the provisional agenda may not be opposed by a Member State.

Quorum

8. The number of Members required to constitute a quorum shall be two-thirds of the total membership of the Peace and Security Council.

Conduct of Business

9. The Peace and Security Council shall hold closed meetings. Any Member of the Peace and Security Council which is party to a

conflict or a situation under consideration by the Peace and Security Council shall not participate either in the discussion or in the decision making process relating to that conflict or situation. Such Member shall be invited to present its case to the Peace and Security Council as appropriate, and shall, thereafter, withdraw from the proceedings.

10. The Peace and Security Council may decide to hold open meetings. In this regard:
 - (a) any Member State which is not a Member of the Peace and Security Council, if it is party to a conflict or a situation under consideration by the Peace and Security Council, shall be invited to present its case as appropriate and shall participate, without the right to vote, in the discussion;
 - (b) any Member State which is not a Member of the Peace and Security Council may be invited to participate, without the right to vote, in the discussion of any question brought before the Peace and Security Council whenever that Member State considers that its interests are especially affected;
 - (c) any Regional Mechanism, international organization or civil society organization involved and/or interested in a conflict or a situation under consideration by the Peace and Security Council may be invited to participate, without the right to vote, in the discussion relating to that conflict or situation.
11. The Peace and Security Council may hold informal consultations with parties concerned by or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.

Voting

12. Each Member of the Peace and Security Council shall have one vote.
13. Decisions of the Peace and Security Council shall generally be guided by the principle of consensus. In cases where consensus cannot be reached, the Peace and Security Council shall adopt its decisions on procedural matters by a simple majority, while decisions on all other matters shall be made by a two-thirds majority vote of its Members voting.

Rules of Procedure

14. The Peace and Security Council shall submit its own rules of procedure, including on the convening of its meetings, the conduct of business, the publicity and records of meetings and any other relevant aspect of its work, for consideration and approval by the Assembly.

Article 9

Entry Points and Modalities for Action

1. The Peace and Security Council shall take initiatives and action it deems appropriate with regard to situations of potential conflict, as well as to those that have already developed into full-blown conflicts. The Peace and Security Council shall also take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating.
2. To that end, the Peace and Security Council shall use its discretion to effect entry, whether through the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms.

Article 10

The Role of the Chairperson of the Commission

1. The Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts.
2. To this end, the Chairperson of the Commission:
 - (a) shall bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
 - (b) may bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
 - (c) may, at his/her own initiative or when so requested by the Peace and Security Council, use his/her good offices, either personally or through special envoys, special representatives, the Panel of the Wise or the Regional Mechanisms, to prevent

potential conflicts, resolve actual conflicts and promote peace-building and post-conflict reconstruction.

3. The Chairperson of the Commission shall also:
 - (a) ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorized by the Peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;
 - (b) ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with Article 4 (h) and (j) of the Constitutive Act;
 - (c) prepare comprehensive and periodic reports and documents, as required, to enable the Peace and Security Council and its subsidiary bodies to perform their functions effectively.
4. In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.

Article 11

Panel of the Wise

1. In order to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention, a Panel of the Wise shall be established.
2. The Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. They shall be selected by the Chairperson of the Commission after consultation with the Member

States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years.

3. The Panel of the Wise shall advise the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa.
4. At the request of the Peace and Security Council or the Chairperson of the Commission, or at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa.
5. The Panel of the Wise shall report to the Peace and Security Council and, through the Peace and Security Council, to the Assembly.
6. The Panel of the Wise shall meet as may be required for the performance of its mandate. The Panel of the Wise shall normally hold its meetings at the Headquarters of the Union. In consultation with the Chairperson of the Commission, the Panel of the Wise may hold meetings at such places other than the Headquarters of the Union.
7. The modalities for the functioning of the Panel of the Wise shall be worked out by the Chairperson of the Commission and approved by the Peace and Security Council.
8. The allowances of members of the Panel of the Wise shall be determined by the Chairperson of the Commission in accordance with the Financial Rules and Regulations of the Union.

Article 12

Continental Early Warning System

1. In order to facilitate the anticipation and prevention of conflicts, a Continental Early Warning System to be known as the Early Warning System shall be established.
2. The Early Warning System shall consist of:
 - (a) an observation and monitoring centre, to be known as “The Situation Room,” located at the Conflict Management Directorate of the Union, and responsible for data collection and analysis on the basis of an appropriate early warning indicators module; and

- (b) observation and monitoring units of the Regional Mechanisms to be linked directly through appropriate means of communications to the Situation Room, and which shall collect and process data at their level and transmit the same to the Situation Room.
3. The Commission shall also collaborate with the United Nations, its agencies, other relevant international organizations, research centers, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System.
4. The Early Warning System shall develop an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators, which shall be used to analyze developments within the continent and to recommend the best course of action.
5. The Chairperson of the Commission shall use the information gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action. The Chairperson of the Commission shall also use this information for the execution of the responsibilities and functions entrusted to him/her under the present Protocol.
6. The Member States shall commit themselves to facilitate early action by the Peace and Security Council and or the Chairperson of the Commission based on early warning information.
7. The Chairperson of the Commission shall, in consultation with Member States, the Regional Mechanisms, the United Nations and other relevant institutions, work out the practical details for the establishment of the Early Warning System and take all the steps required for its effective functioning.

Article 13

African Standby Force

Composition

1. In order to enable the Peace and Security Council to perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4 (h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their

countries of origin and ready for rapid deployment at appropriate notice.

2. For that purpose, the Member States shall take steps to establish standby contingents for participation in peace support missions decided on by the Peace and Security Council or intervention authorized by the Assembly. The strength and types of such contingents, their degree of readiness and general location shall be determined in accordance with established African Union Peace Support Standard Operating Procedures (SOPs), and shall be subject to periodic reviews depending on prevailing crisis and conflict situations.

Mandate

3. The African Standby Force shall, inter alia, perform functions in the following areas:
 - (a) observation and monitoring missions;
 - (b) other types of peace support missions;
 - (c) intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act;
 - (d) preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighboring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement;
 - (e) peace-building, including post-conflict disarmament and demobilization;
 - (f) humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
 - (g) any other functions as may be mandated by the Peace and Security Council or the Assembly.
4. In undertaking these functions, the African Standby Force shall, where appropriate, cooperate with the United Nations and its Agencies, other relevant international organizations and regional organizations, as well as with national authorities and NGOs.
5. The detailed tasks of the African Standby Force and its modus operandi for each authorized mission shall be considered and approved by the Peace and Security Council upon recommendation of the Commission.

Chain of Command

6. For each operation undertaken by the African Standby Force, the Chairperson of the Commission shall appoint a Special Representative and a Force Commander, whose detailed roles and functions shall be spelt out in appropriate directives, in accordance with the Peace Support Standing Operating Procedures.
7. The Special Representative shall, through appropriate channels, report to the Chairperson of the Commission. The Force Commander shall report to the Special Representative. Contingent Commanders shall report to the Force Commander, while the civilian components shall report to the Special Representative.

Military Staff Committee

8. There shall be established a Military Staff Committee to advise and assist the Peace and Security Council in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
9. The Military Staff Committee shall be composed of Senior Military Officers of the Members of the Peace and Security Council. Any Member State not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.
10. The Military Staff Committee shall meet as often as required to deliberate on matters referred to it by the Peace and Security Council.
11. The Military Staff Committee may also meet at the level of the Chief of Defence Staff of the Members of the Peace and Security Council to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa. The Chiefs of Defence Staff shall submit to the Chairperson of the Commission recommendations on how to enhance Africa's peace support capacities.
12. The Chairperson of the Commission shall take all appropriate steps for the convening of and follow-up of the meetings of the Chiefs of Defence Staff of Members of the Peace and Security Council.

Training

13. The Commission shall provide guidelines for the training of the civilian and military personnel of national standby contingents at both operational and tactical levels. Training on International

Humanitarian Law and International Human Rights Law, with particular emphasis on the rights of women and children, shall be an integral part of the training of such personnel.

14. To that end, the Commission shall expedite the development and circulation of appropriate Standing Operating Procedures to inter-alia:
 - (a) support standardization of training doctrines, manuals and programmes for national and regional schools of excellence;
 - (b) co-ordinate the African Standby Force training courses, command and staff exercises, as well as field training exercises.
15. The Commission shall, in collaboration with the United Nations, undertake periodic assessment of African peace support capacities.
16. The Commission shall, in consultation with the United Nations Secretariat, assist in the co-ordination of external initiatives in support of the African Standby Force capacity-building in training, logistics, equipment, communications and funding.

Role of Member States

17. In addition to their responsibilities as stipulated under the present Protocol:
 - (a) troop contributing Member States shall immediately, upon request by the Commission, following an authorization by the Peace and Security Council or the Assembly, release the standby contingents with the necessary equipment for the operations envisaged under Article 9(3) of the present Protocol;
 - (b) Member States shall commit themselves to make available to the Union all forms of assistance and support required for the promotion and maintenance of peace, security and stability on the Continent, including rights of passage through their territories.

Article 14

Peace Building

Institutional Capacity for Peace-building

1. In post-conflict situations, the Peace and Security Council shall assist in the restoration of the rule of law, establishment and development of democratic institutions and the preparation, organization and supervision of elections in the concerned Member State.

Peace-building during Hostilities

2. In areas of relative peace, priority shall be accorded to the implementation of policy designed to reduce degradation of social and economic conditions arising from conflicts.

Peace-building at the End of Hostilities

3. To assist Member States that have been adversely affected by violent conflicts, the Peace and Security Council shall undertake the following activities:
 - (a) consolidation of the peace agreements that have been negotiated;
 - (b) establishment of conditions of political, social and economic reconstruction of the society and Government institutions;
 - (c) implementation of disarmament, demobilization and reintegration programmes, including those for child soldiers;
 - (d) resettlement and reintegration of refugees and internally displaced persons;
 - (e) assistance to vulnerable persons, including children, the elderly, women and other traumatized groups in the society.

Article 15

Humanitarian Action

1. The Peace and Security Council shall take active part in coordinating and conducting humanitarian action in order to restore life to normalcy in the event of conflicts or natural disasters.
2. In this regard, the Peace and Security Council shall develop its own capacity to efficiently undertake humanitarian action.
3. The African Standby Force shall be adequately equipped to undertake humanitarian activities in their mission areas under the control of the Chairperson of the Commission.
4. The African Standby Force shall facilitate the activities of the humanitarian agencies in the mission areas.

Article 16

Relationship with Regional Mechanisms for Conflict Prevention, Management and Resolution

1. The Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for

promoting peace, security and stability in Africa. In this respect, the Peace and Security Council and the Chairperson of the Commission, shall:

- (a) harmonize and coordinate the activities of Regional Mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union;
 - (b) work closely with Regional Mechanisms, to ensure effective partnership between them and the Peace and Security Council in the promotion and maintenance of peace, security and stability. The modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.
2. The Peace and Security Council shall, in consultation with Regional Mechanisms, promote initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts have occurred, peacemaking and peace-building functions.
 3. In undertaking these efforts, Regional Mechanisms concerned shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of the Peace and Security Council. The Peace and Security Council shall, through the Chairperson of the Commission, also keep the Regional Mechanisms fully and continuously informed of its activities.
 4. In order to ensure close harmonization and coordination and facilitate regular exchange of information, the Chairperson of the Commission shall convene periodic meetings, but at least once a year, with the Chief Executives and/or the officials in charge of peace and security within the Regional Mechanisms.
 5. The Chairperson of the Commission shall take the necessary measures, where appropriate, to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force.
 6. Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council whenever that question being addressed by a Regional Mechanism is of special interest to that Organization.

7. The Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.
8. In order to strengthen coordination and cooperation, the Commission shall establish liaison offices to the Regional Mechanisms. The Regional Mechanisms shall be encouraged to establish liaison offices to the Commission.
9. On the basis of the above provisions, a Memorandum of Understanding on Cooperation shall be concluded between the Commission and the Regional Mechanisms.

Article 17

Relationship with the United Nations and Other International Organizations

1. In the fulfillment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa.
2. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Unions' activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.
3. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary-General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.
4. The Peace and Security Council shall also cooperate and work closely with other relevant international organizations on issues of peace, security and stability in Africa. Such organizations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require.

Article 18

Relationship with the Pan-African Parliament

1. The Mechanism shall maintain close working relations with the Pan-African Parliament in furtherance of peace, security and stability in Africa.
2. The Peace and Security Council shall, whenever so requested by the Pan-African Parliament, submit, through the Chairperson of the Commission, reports to the Pan-African Parliament, in order to facilitate the discharge by the latter of its responsibilities relating to the maintenance of peace, security and stability in Africa.
3. The Chairperson of the Commission shall present to the Pan-African Parliament an annual report on the state of peace and security in the continent. The Chairperson of the Commission shall also take all steps required to facilitate the exercise by the Pan-African Parliament of its powers, as stipulated in Article 11(5) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, as well as in Article 11(9) in so far as it relates to the objective of promoting peace, security and stability as spelt out in Article 3(5) of the said Protocol.

Article 19

Relationship with the African Commission on Human and Peoples' Rights

The Peace and Security Council shall seek close cooperation with the African Commission on Human and Peoples' Rights in all matters relevant to its objectives and mandate. The Commission on Human and Peoples' Rights shall bring to the attention of the Peace and Security Council any information relevant to the objectives and mandate of the Peace and Security Council.

Article 20

Relations with Civil Society Organizations

The Peace and Security Council shall encourage non-governmental organizations, community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council.

Article 21

Funding

Peace Fund

1. In order to provide the necessary financial resources for peace support missions and other operational activities related to peace and security, a Special Fund, to be known as the Peace Fund, shall be established. The operations of the Peace Fund shall be governed by the relevant Financial Rules and Regulations of the Union.
2. The Peace Fund shall be made up of financial appropriations from the regular budget of the Union, including arrears of contributions, voluntary contributions from Member States and from other sources within Africa, including the private sector, civil society and individuals, as well as through appropriate fund raising activities.
3. The Chairperson of the Commission shall raise and accept voluntary contributions from sources outside Africa, in conformity with the objectives and principles of the Union.
4. There shall also be established, within the Peace Fund, a revolving Trust Fund. The appropriate amount of the revolving Trust Fund shall be determined by the relevant Policy Organs of the Union upon recommendation by the Peace and Security Council.

Assessment of Cost of Operations and Pre-financing

5. When required, and following a decision by the relevant Policy Organs of the Union, the cost of the operations envisaged under Article 13(3) of the present Protocol shall be assessed to Member States based on the scale of their contributions to the regular budget of the Union.
6. The States contributing contingents may be invited to bear the cost of their participation during the first three (3) months.
7. The Union shall refund the expenses incurred by the concerned contributing States within a maximum period of six (6) months and then proceed to finance the operations.

Article 22

Final Provisions

Status of the Protocol in relation to the Cairo Declaration

1. The present Protocol shall replace the Cairo Declaration.

2. The provisions of this Protocol shall supersede the resolutions and decisions of the OAU relating to the Mechanism for Conflict Prevention, Management and Resolution in Africa, which are in conflict with the present Protocol.

Signature, Ratification and Accession

3. The present Protocol shall be open for signature, ratification or accession by the Member States of the Union in accordance with their respective constitutional procedures.
4. The instruments of ratification shall be deposited with the Chairperson of the Commission.

Entry into Force

5. The present Protocol shall enter into force upon the deposit of the instruments of ratification by a simple majority of the Member States of the Union.

Amendments

6. Any amendment or revision of the present Protocol shall be in accordance with the provisions of Article 32 of the Constitutive Act.

Depositary Authority

7. This Protocol and all instruments of ratification shall be deposited with the Chairperson of the Commission, who shall transmit certified true copies to all Member States and notify them of the dates of deposit of the instruments of ratification by the Member States and shall register it with the United Nations and any other Organization as may be decided by the Union.

*Adopted by the 1st Ordinary Session of the Assembly
of the African Union
Durban, 9 July 2002*

1. People's Democratic Republic of Algeria
2. Republic of Angola
3. Republic of Benin
4. Republic of Botswana
5. Burkina Faso
6. Republic of Burundi

7. Republic of Cameroon
8. Republic of Cape Verde
9. Central African Republic
10. Republic of Chad
11. Islamic Federal Republic of the Comoros
12. Republic of the Congo
13. Republic of Côte d'Ivoire
14. Democratic Republic of Congo
15. Republic of Djibouti
16. Arab Republic of Egypt
17. State of Eritrea
18. Federal Democratic Republic of Ethiopia
19. Republic of Equatorial Guinea
20. Republic of Gabon
21. Republic of The Gambia
22. Republic of Ghana
23. Republic of Guinea
24. Republic of Guinea Bissau
25. Republic of Kenya
26. Kingdom of Lesotho
27. Republic of Liberia
28. Great Socialist People's Libyan Arab Jamahiriya
29. Republic of Madagascar
30. Republic of Malawi
31. Republic of Mali
32. Islamic Republic of Mauritania
33. Republic of Mauritius
34. Republic of Mozambique
35. Republic of Namibia
36. Republic of Niger
37. Federal Republic of Nigeria
38. Republic of Rwanda
39. Sahrawi Arab Democratic Republic
40. Republic of Sao Tome and Principe
41. Republic of Senegal
42. Republic of Seychelles
43. Republic of Sierra Leone
44. Republic of Somalia
45. Republic of South Africa
46. Republic of Sudan
47. Kingdom of Swaziland
48. United Republic of Tanzania

49. Republic of Togo
50. Republic of Tunisia
51. Republic of Uganda
52. Republic of Zambia
53. Republic of Zimbabwe

Notes

Introduction

- 1 Kwame Nkrumah's speech at the First Africanist Conference, Accra, December 12, 1962, which was reproduced in Kwame Nkrumah, *Revolutionary Path* (London: Panaf Books, 1973), 205–217.
- 2 The term identity is used in this book to refer to a people's sense of who they are, which is based on their historical experience and their aspirations for the future. Identities are always constructed and can, therefore, be deconstructed and reconstructed. There are several levels of identity in Africa: ethnicity, gender, class, nation, and Africanity are just a few of the categories. Even sub-regions, such as East Africa, Central Africa, Southern Africa, West Africa, and the Maghreb, have their own identities. It should be noted that the boundaries between identities often overlap.
- 3 Eclecticism is a reflexive process that enables scholars to construct coherent analytical approaches by utilizing insights from different theories. It can also be described as "an ethic of pluralism," which has the potential to liberate scholars from their paradigmatic constraints. See Samuel M. Makinda, "International Society and Eclecticism in International Relations Theory," *Cooperation and Conflict*, 35, no. 2 (2000): 205–216; and Rudra Sil, "The Foundations of Eclecticism: The Epistemological Status of Agency, Culture, and Structure in Social Theory," *Journal of Theoretical Politics*, 12, no. 3 (2000): 353–387.
- 4 Jan Aart Scholte, "The Globalization of World Politics," in *The Globalization of World Politics*, ed. John Baylis and Steve Smith (Oxford: Oxford University Press, 1997), 14.
- 5 Andrew Hurrell and Ngaire Woods, "Globalization and Inequality," *Milennium* 24, no. 3 (1995): 447.
- 6 UN Secretary-General, "Address to the General Assembly," New York (September 19, 2006), 2.
- 7 UN Secretary-General, "Address to the General Assembly," 2.
- 8 UN Secretary-General, "Address to the General Assembly," 2.
- 9 Robert O. Keohane, "Governance in a Partially Globalized World," *American Political Science Review* 95, no. 1 (2001): 1.
- 10 Keohane, "Governance in a Partially Globalized World," 1.
- 11 Kwame Nkrumah, *Africa Must Unite* (London: Panaf Books, 1963), 203.

- 12 Samuel M. Makinda, "Kwame Nkrumah's Theory of the African Personality," B.A. thesis, University of Nairobi (1976), 163.
- 13 Samuel M. Makinda, "Globalization as a Policy Outcome," *Current Affairs Bulletin* 74, no. 6 (1998): 4.
- 14 This definition is derived from Samuel M. Makinda, "Security in International Society: A Comment on Alex J. Bellamy and Matt McDonald," *Australian Journal of Political Science* 40, no. 2 (2005): 275–287.
- 15 Ken Booth, "Security and Emancipation," *Review of International Studies*, 17, no. 4 (1991): 313–326. Booth defines emancipation as "freeing people, as individuals and groups, from the social, physical, economic, political and other constraints that stop them from carrying out what they would freely choose to do."
- 16 *Our Global Neighbourhood*, The Report of the Commission on Global Governance (Oxford: Oxford University Press, 1995), 2.
- 17 An additional incentive for defining institutions here is the fact that this book is published in the series on Global Institutions.
- 18 UN Secretary-General, "Address to the General Assembly," 4.
- 19 Senator Arthur Vandenberg, "Senator Vandenberg's Report to the Senate on the San Francisco Conference," *New York Times* (June 29, 1945): 5. Paper located at <http://www.ibiblio.org/pha/policy/1945/450629a.html>. Cited on 15 January 2007.
- 20 Vandenberg, "Senator Vandenberg's Report to the Senate," 8.
- 21 Robert O. Keohane, "International Institutions: Two Approaches," *International Studies Quarterly* 32, no. 4 (1988): 383.
- 22 Keohane, "International Institutions," 483.
- 23 Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1995 [1977]), 71.
- 24 Bull, *The Anarchical Society*, 71.
- 25 John J. Mearsheimer, "The False Promise of International Institutions," *International Security* 19, no. 3 (1994/95): 8.
- 26 Mearsheimer, "The False Promise of International Institutions," 8.
- 27 Christian Reus-Smit, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality* (Princeton: Princeton University Press, 1999), 12–13.
- 28 Samuel M. Makinda, "Hedley Bull and Global Governance: a Note on IR Theory," *Australian Journal of International Affairs* 56, no. 3 (2002): 366.
- 29 Bull, *The Anarchical Society*, 71.
- 30 Makinda, "Hedley Bull and Global Governance," 366.
- 31 For an excellent analysis of constitutionalism in Africa, see, for example, Abdullahi Ahmed An-Na'im, *African Constitutionalism and the Role of Islam* (Philadelphia: University of Pennsylvania Press, 2006), 1–62.
- 32 Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3 (1993): 40.

1 The Organization of African Unity and mutual preservation

- 1 Kwame Nkrumah, *Axioms* (London: Panaf Books, 1967), 19
- 2 Nkrumah, *Axioms*, 9.
- 3 Hugh Trevor-Roper, "The Rise of Christian Europe," *Listener* (November 28, 1963).

- 4 Trevor-Roper, "The Rise of Christian Europe."
- 5 Cited in Ezekiel Mphahlele, *The African Image* (New York, Praeger, 1974), 68.
- 6 Ali A. Mazrui, *The Africans: A Triple Heritage* (London: BBC Publications, 1986), 23–38.
- 7 Ali A. Mazrui, *Towards a Pax Africana: A Study of Ideology and Ambition* (London: Weidenfeld and Nicolson, 1967), 46.
- 8 A. Adu du Boahen, *African Perspectives on Colonialism* (Baltimore, MD: Johns Hopkins University Press, 1987), 95.
- 9 See Gideon Cyrus Mutiso, *Kenya: Politics, Policy and Society* (Nairobi: East African Literature Bureau, 1975), 3–45.
- 10 On the evolution of sovereignty, see Samuel M. Makinda, "The United Nations and State Sovereignty: Mechanism for Managing International Security," *Australian Journal of Political Science*, 33, no. 1 (1998): 101–115.
- 11 Jeffrey Herbst, "Responding to State Failure in Africa," *International Security*, 21, no. 3 (1996/97): 120–144.
- 12 Robert H. Jackson, "Negative Sovereignty in Sub-Saharan Africa," *Review of International Studies*, 12, no. 4 (1986): 247–264.
- 13 Preston King, *Tolerance*, (London: Allen and Unwin, 1976), 199–226.
- 14 UN press release, September 20, 1999.
- 15 Colin Legum, "The Roots of Pan-Africanism" in *Africa Handbook*, ed. Colin Legum (Harmondsworth: Penguin, 1969), 541.
- 16 Kwame Nkrumah, *Revolutionary Path* (London: Panaf Books, 1973), 206.
- 17 Kwame Nkrumah, *I Speak of Freedom* (London: Panaf Books, 1961), xii.
- 18 Nkrumah, *I Speak of Freedom*, 125.
- 19 Nkrumah, *Africa Must Unite* (London: Panaf Books, 1963), 203.
- 20 Zdenek Cervenka, *The Unfinished Quest for Unity: Africa and the OAU* (London: Africa Books, 1977): 1–11.
- 21 Cervenka, *The Unfinished Quest for Unity*, 1.
- 22 Nkrumah, *Neocolonialism: The Last Stage of Imperialism* (London: Panaf Books, 1965), 30.
- 23 Nkrumah, *Revolutionary Path*, 222.
- 24 Gilbert M. Khadiagala, *Allies in Diversity: The Frontline States in Southern African Security, 1975–1993* (Athens, OH: Ohio University Press, 1994), xi.

2 The African Union: meeting the challenge of globalization

- 1 See Pusch Commey, "African Union—What Next?" *New African*, 1, no. 410 (September 2002): 12–17.
- 2 Kwame Nkrumah, *I Speak of Freedom* (London: Panaf Books, 1961), xii.
- 3 Cited in Commey, "African Union—What Next?"
- 4 Ironically, the UN drastically reduced the deployment of its Blue Helmets in the late 1990s while the demand for peacekeepers in Africa was growing. Out of the 75,000 UN peacekeepers deployed in 1993, about 40,000 were deployed in seven concurrent missions in Africa. This contrasts with 1999 when there were 12,000 Blue Helmets, out of which 1,600 were deployed to three concurrent missions in Africa. See Eric G. Berman and Katie E. Sams, "Keeping the Peace in Africa," *Disarmament*, 3 (2000), 22.
- 5 After the Somali debacle and the Sierra Leone humiliation, the UN limited its participation in PSO to situations where all the parties have signed

- cease-fires and peace accords and are willing to cooperate in disarmament, demobilization and reintegration, and post-conflict reconstruction. Consequently, the UN has laid down minimum criteria that must be met to allow it to deploy its peacekeepers.
- 6 Amani Daima, "The Biggest Show in Africa: The Launching of the African Union," *Perspective* (Smyrna, Georgia), July 11, 2002.
 - 7 Nigeria was at first lukewarm towards NEPAD, as it appeared to pose a threat to the Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA), which was regarded as President Obasanjo's idea.
 - 8 Although the Constitutive Act of the AU abrogated the OAU Charter, it integrated the other existing legal instruments such as the 1991 Abuja Treaty setting up the African Economic Community and the Cairo Declaration on a mechanism for conflict prevention, management, and settlement.
 - 9 Ranjeni Munusamy and Mondli Makhanya "Gaddafi parades on Mbeki's reign," *Sunday Times* (July 14, 2002) (www.sundaytimes.co.za/specialreports/africanunion/).
 - 10 See Ranjeni Munusamy and Mondli Makhanya "Gaddafi parades on Mbeki's reign," *Sunday Times* (July 14, 2002) (www.sundaytimes.co.za/specialreports/africanunion/) and Mondli Makhanya, "Ordinary Folk Need to Rein in the Dictators," *Sunday Times* (July 21, 2002). One African newspaper called Gaddafi "a self-styled, self-aggrandising showman whose paramount obsession is to conquer and rule Africa by pickpocketing emotional votes and support from nations that... are considered less significant in the continent." See *Accra Mail* (July 24, 2002).
 - 11 E. Ablorh-Odjidja, "Ghadaffi Strutting His Stuff," *Accra Mail* (July 24, 2002).
 - 12 Ablorh-Odjidja, "Ghadaffi Strutting His Stuff."
 - 13 "Declaration on the Implementation of the New Partnership for Africa's Development (NEPAD) (ASS/AU/Decl. 1 (I)) made by the Assembly of Heads of State and Government." See www.au2002.gov.za/docs/summit_council/.
 - 14 See Articles 20 and 12 of the Protocol Relating to the Establishment of the Peace and Security Council.
 - 15 However, such a committee can be established under Article 14(2) by the Assembly, which can also restructure one of the committees to assume more responsibilities over gender issues.
 - 16 Although the Permanent Representative Committee (PRC) is one of the organs that has been established and is functioning, it is deliberately left out of this overview of the AU organs, as it is essentially an extension of the Assembly and the Executive Council.
 - 17 See Rules 33 and 34 of Rules of Procedure of the AU Assembly. The decision-making procedures for both the Assembly and the Executive are almost similar; except that the former makes its decisions on recommendations of the latter, which makes its decisions on recommendations of the Permanent Representatives' Committee (Ambassadors). Notably, the decisions of the Permanent Representatives' Committee are merely recommendations until adopted by the Executive Council. See Rule 26 of the PRC Rules of Procedure.
 - 18 See Rules 11 and 12 of AU Assembly Rules of Procedure, Assembly/AU/2(I). The procedure and requirements for holding an extraordinary session of the Executive Council are the same.

- 19 For instance, Article 20 of the Protocol Relating to the Establishment of the PSC calls on civil society to play a role in promoting peace and maintaining security in Africa. CSOs are also assigned key roles in NEPAD's APRM.
- 20 Speech of Chairperson of the AU Commission, Alpha Konare, on the opening day of PAP March 18, 2004 in Addis Ababa.
- 21 See Doc. EX.CL/236 (VIII).
- 22 The following were elected on January 22, 2006 by the Executive Council as the first judges of the African Court on Human and Peoples' Rights: Mr. Fatsah Ouguergouz (Court President, Algeria), Ms Sophia A.B. Akuffo (Ghana), Mr. Hamdi Faraj Fanoush (Libya), Mr. El Hadji Guissé (Sénégal), Mrs. Kellelo Justina Masafo-Guni (Lesotho), Mr. Modibo Tounty Guindo (Mali), Mr. George W. Kanyeihamba (Uganda), Mr. Jean Mutsinzi (Rwanda), Mr. Bernard Ngoepe (South Africa), Mr. Gerard Niyungeko (Burundi), and Mr. Jean Emile Somda (Burkina Faso).
- 23 Gabon, Ethiopia, Algeria, South Africa, and Nigeria were elected and appointed for three years to represent the Central, Eastern, Northern, Southern and Western Regions respectively. Elected for two years were Cameroon and Congo (Central), Kenya and Sudan (Eastern), Libya (Northern), Lesotho and Mozambique (Southern) and Ghana, Senegal and Togo (Western).
- 24 These clusters are peace and security, political affairs, infrastructure and energy, human resources, science and technology, rural economy and agriculture, economic affairs, women and gender related issues, and cross-cutting issues such as NEPAD.
- 25 See Decision AHG/Dec. 160 (XXXII).
- 26 The following are the AU commissioners for the period 2003–2007: Patrick Kayumbu Mazimhaka (Deputy Chairperson), Julia Dolly Joiner (Political Affairs), Maxwell M. Mkwesalamba (Economic Affairs), Nagia M. Essayed (Human Resources, Science and Technology), Said Djinnit (Peace and Security), Bience Gawanas (Social Affairs), Bernard Zoba (Infrastructure and Energy), Rosebud Kurwijila, (Rural Economy and Agriculture), and Elizabeth Tankeu (Trade and Industry).
- 27 At this writing in early 2007, the Commission was composed of the departments of Economic Affairs; Social Affairs; Political Affairs; Human Resource, Science and Technology; Trade and Industry; Peace and Security; Energy and Infrastructure; and Agriculture and Rural Economy.
- 28 See Ofeibe Quist-Arcton, "AU's Interim Boss Essay Struggles to Shed OAU Legacy," *allAfrica.com*, July 23, 2002.
- 29 See CM/Res. 464 (XXXVII).
- 30 See AHG/Res. 161 (XXIII).
- 31 See NEPAD Framework Document, point 71.
- 32 See Decision AHG/Dec. 1 (XXXVII) of July 2001, Lusaka, Zambia adopted by OAU Assembly. This was one of the means to fast-track the implementation of the treaty establishing the African Economic Community that provided for six stages towards the achievement of an African economic community over 34 years.
- 33 The African Economic Community was established by the Abuja Treaty of 1991.

3 Governance, democracy, and the rule of law

- 1 See Draft African Charter on Democracy, Elections and Governance, Draft/Charter/11/Rev.3, adopted by the AU Assembly in January 2007.
- 2 *Our Global Neighbourhood*, Report of the Commission on Global Governance (Oxford: Oxford University Press, 1995), 2.
- 3 Cited in S. H. Eriksen, "Shared River and Lake Basins in Africa: Challenges for Cooperation," *Ecopolicy* No. 10 (Nairobi: African Centre for Technology Studies, 1998), 8.
- 4 For interesting case studies of governance, see Thomas G. Weiss and Leon Gordenker (eds.), *NGOs, the UN and Global Governance* (Boulder, CO: Lynne Rienner, 1996).
- 5 For a good analysis of the work of the IMF, see, for instance, James R. Vreeland, *The International Monetary Fund: Politics of conditional lending* (London: Routledge, 2007).
- 6 Joel Barkan, "Protracted Transitions Among Africa's New Democracies," *Democratization*, 7, no. 3 (2000), 242.
- 7 Barkan, "Protracted Transitions Among Africa's New Democracies," 242.
- 8 Samuel M. Makinda, "Democracy and Multi-Party Politics in Africa," *Journal of Modern African Studies*, 34, no. 4 (1996): 556.
- 9 Makinda, "Democracy and Multi-Party Politics," 557.
- 10 Larry Diamond, *Promoting Democracy in the 1990s: Actors and Instruments, Issues and Imperatives*. Report to the Carnegie Commission on Preventing Deadly Conflict (New York, 1995), 9.
- 11 Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule, Volume 3: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), 6.
- 12 Mary Ellen Fischer, "Introduction," in *Establishing Democracies*, ed. Mary Ellen Fischer (Boulder, CO: Westview Press, 1996), 5.
- 13 Juan Linz and Alfred Stepan, "Toward Consolidated Democracies," *Journal of Democracy*, 7, no. 2 (1996): 14–33.
- 14 J. Samuel Valenzuela, "Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions," in *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, ed. Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela (Notre Dame: University of Notre Press, 1992), 57–104.
- 15 Adam Przeworski, *Democracy and the Market* (Cambridge: Cambridge University Press, 1991), 26.
- 16 James Gibson and Amanda Gouws, "Support for the Rule of Law in the Emerging South African Democracy," *International Social Science Journal*, no. 152, (1997): 174.
- 17 Ishmail Mohammed, "Preventive Detention and the Rule of Law," *South African Law Journal*, 106 (1989): 547–549.
- 18 Jennifer A. Widner, *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa* (New York: W. W. Norton & Co., 2001), 28.
- 19 Widner, *Building the Rule of Law*, 29.
- 20 Widner, *Building the Rule of Law*, 29–30.
- 21 An earlier version of this section appeared as Wafula Okumu, "The Role of AU/NEPAD in Preventing and Combating Corruption in Africa—A

- Critical Analysis,” *At Issue Ezine*, 4, (2005): 6–10. Accessed at www.africafiles.org/atissueezine.asp?issue = issue2#art2.
- 22 See John Githongo, “Corruption is the Bane of African Countries,” *East African Standard* (April 15, 2005).
- 23 See *BBC News*, September 18, 2002; and *The Economist*, September 19, 2002.
- 24 Jean-Francois Bayart, Stephen Ellis, and Beatrice Hibou, *The Criminalization of the State in Africa* (Oxford: James Currey, 1999): xii–xviii.
- 25 Quoted in Virginia Gidley-Kitchen, “Corruption Getting Worse in Africa?” *BBC News*, February 11, 2005.
- 26 Bayart, Ellis and Hibou, *The Criminalization of the State in Africa*, xvi.
- 27 Gidley-Kitchen, “Corruption Getting Worse in Africa?”
- 28 The following African countries have ratified it: Algeria, Benin, Djibouti, Egypt, Kenya, Libya, Madagascar, Mauritius, Namibia, Nigeria, Sierra Leone, South Africa, Tanzania, Togo, and Uganda.
- 29 Bayart, Ellis, and Hibou, *The Criminalization of the State in Africa*, xiv.
- 30 Aminatta Forna, “The West Must Own up to its Part in African Corruption,” *Independent* (March 9, 2005).
- 31 *A Summary of NEPAD Action Plans*, paragraph 8. See www.nepad.org/2005/files/documents/41.pdf.
- 32 See W.L. Nkuhlu, “The New Partnership for Africa’s Development—The Journey So Far,” NEPAD Secretariat, (June 2005) (<http://www.nepad.org/2005/files/documents/journey.pdf>).
- 33 Ray Matikinye, “Corruption Gnaws Away at Body Politic,” *Zimbabwe Independent*, April 15, 2005.
- 34 See Willy Mamah, “NEPAD, Good Governance and the Rule of Law,” a paper presented at the Nigerian Civil Society Conference on the New Partnership for Africa’s Development, held at the Airport Hotels, Ikeja, Lagos (April 2002).
- 35 Ali A. Mazrui, “Political Leadership in Africa: Seven Styles and Four Traditions” in Hans d’Orville (ed.), *Leadership for Africa: In Honour of Olusegun Obasanjo on the Occasion of His 60th Birthday* (New York: African Leadership Foundation, 1995), 161–164.
- 36 Ali A. Mazrui, “Nkrumah: The Leninist Czar,” *Transition* (Kampala) 6, no. 26 (1966): 9–17.

4 Security and peace building

- 1 See OAU, *CSSDCA Solemn Declaration*, AHG/Decl.4(XXXVI) 2000 (www.chr.up.ac.za/hr_docs/african/docs/ahsg/ahsg5.doc).
- 2 Peter Vale, *Security and Politics in South Africa: The Regional Dimension* (Boulder, CO: Lynne Rienner, 2003): 7–27.
- 3 See, for instance, Heidi Hudson, “‘Doing’ Security as Though Humans Matter: a Feminist Perspective on Gender and the Politics of Human Security”, *Security Dialogue* 36, no. 2 (2005): 155–174.
- 4 Ali A. Mazrui, *Towards a Pax Africana: A Study of Ideology and Ambition* (London: Weidenfeld and Nicolson, 1967): 3–20.
- 5 Statement of the Chairperson of the Commission on the Occasion of the Solemn Launching of the Peace and Security Council, Addis Ababa, May 25, 2004 (hereafter Chairperson’s Statement): 8.

- 6 Kwame Nkrumah, *Africa Must Unite* (London: Panaf Books, 1963): 203.
- 7 For a critical study of the genesis, organization, and achievements of the G8, see Hugo Dobson, *The Group of 7/8*; (London: Routledge, 2006).
- 8 Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992).
- 9 See President Jimmy Carter, "A Foreign Policy Based on America's Essential Character," *Department of State Bulletin*, 76, no. 1981 (June 13, 1977): 622.
- 10 For a useful analysis of the work and processes of the UN Security Council, see Edward C. Luck, *UN Security Council: Practice and promise* (London: Routledge, 2006).
- 11 For more details on the characteristics of armed violence in Africa, see Stephen Ellis, "Liberia 1989–1994: a Study of Ethnic and Spiritual Violence," *African Affairs*, 94, 375, 1995: 165–97; D. Keen, *The Economic Functions of Violence in Civil Wars*, London: OUP for IISS, 1998; Christopher Clapham, *Guerrillas*, Oxford: James Currey, 1998; A. Clayton, *Frontiersmen: Warfare in Africa Since 1950*, London: UCL Press, 1999; and Human Rights Watch, *Divide and Rule: State-Sponsored Ethnic Violence in Kenya*, 1993; *Easy Prey: Child Soldiers in Liberia*, 1994; and *Leave None to Tell the Story: Genocide in Rwanda*, New York: Human Rights Watch, 1999.
- 12 For a perceptive analysis of internally displaced persons, see Thomas G. Weiss and David A. Korn, *International Displacement: Conceptualization and Its Consequences* (London: Routledge, 2006).
- 13 For instance, the valuable equipment given for communications came with software and instructions written only in German.
- 14 See Article 12 of the PSC Protocol.
- 15 See Article 12 of the PSC Protocol.
- 16 See Article 13 of the PSC Protocol.
- 17 The Draft Protocol on Relations Between the AU and RECs addresses these concerns.
- 18 See Report of OAU/Regional Organizations Meeting on Cooperation in Conflict Prevention, Management and Resolution, held from May 20–21, 2002, Addis Ababa, Ethiopia.
- 19 See Report of OAU/Regional Organizations Meeting.

5 Knowledge and development

- 1 Some parts of this chapter are derived from Samuel M. Makinda, "African Thinkers and the Global Security Agenda" in *Rethinking Global Security: An African Perspective?*, ed. Makumi Mwangi and Okello Oculi (Nairobi: Heinrich Böll Foundation, 2006), 21–37; and Samuel M. Makinda, "How Africa can Benefit from Knowledge," *Futures* (forthcoming 2007).
- 2 Ali A. Mazrui, "Technological Underdevelopment in the South: The Continuing Cold War," in *Principled World Politics: The Challenge of Normative International Relations*, ed. Paul Wapner and Lester E. J. Ruiz (Lanham, MD: Rowman and Littlefield, 2000), 275.
- 3 Calestous Juma, *Science, Technology and Economic Growth: Africa's Biopolicy Agenda in the Twenty-first Century*, UNU/INRA Annual Lectures on Natural Resources Conservation and Management in Africa (Tokyo and Accra: UNU/INRA, 2000), 49.

- 4 UNESCO World Report, *Towards Knowledge Societies* (Paris: UNESCO Publishing, 2005), 5.
- 5 Philip Nel and Patrick J. McGowan, eds., *Power, Wealth and Global Order: An International Relations Textbook for Africa* (Rondebosch, Cape Town: University of Cape Town Press, 1999).
- 6 Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," in *Neorealism and Its Critics*, ed. Robert O. Keohane (New York: Columbia University Press, 1986), 207.
- 7 Charles S. Goodwin, "Helicobacter Pylori: 10th Anniversary of its Culture in April 1982," *Gut: An International Journal of Gastroenterology and Hepatology* 34, no. 3 (1993): 293.
- 8 Patrick R. Murray, Ken S. Rosenthal, George S. Kobayashi, and Michael A. Pfaller, *Medical Microbiology*, 3rd edn. (St. Louis, Mosby, 1998), 256.
- 9 See Andrea Useem, "An Era of Painful Self-Examination for Many Intellectuals in Africa," *The Chronicle of Higher Education* (October 10, 1997), A47.
- 10 Cox, "Social Forces, States and World Orders," 208.
- 11 Cox, "Social Forces, States and World Orders," 208.
- 12 Cox, "Social Forces, States and World Orders," 208.
- 13 Caroline Thomas, "Introduction" in *Globalization, Human Security and the African Experience*, ed. Caroline Thomas and Peter Wilkin (Boulder, CO: Lynne Rienner, 1999), 2.
- 14 Thomas, "Introduction," 2.
- 15 *Freedom to Innovate: Biotechnology and Africa's Development*. Draft Report of the High-Level African Panel on Modern Biotechnology of the African Union and the New Partnership for Africa's Development (July 14, 2006), 2.
- 16 United Nations Development Programme (UNDP), *Human Development Report 1999* (New York: United Nations, 1999), 1–13.
- 17 Walter Rodney, *How Europe Underdeveloped Africa* (Dar es Salaam: Tanzania Publishing House, 1972): 103–161.
- 18 Kwame Nkrumah, *Handbook of Revolutionary Warfare* (London: Panaf Books, 1968), 89.
- 19 UNDP, *Human Development Report 1999*, 128.
- 20 Habitat 1996, "The Habitat Agenda: Istanbul Declaration on Human Settlement," <http://www.unchs.org/unchs/english/hagenda/index.htm> (accessed on August 13, 2000).
- 21 Habitat 1996, "The Habitat Agenda."
- 22 Keto Mshigeni, "Some Highlights on Non-Traditional Agriculture in Africa: Prospects, Problems and Challenges," a paper presented at the ATLAS Conference on Leadership, Agriculture and Economic Development in Africa, Windhoek, Namibia (April 2000), 9.
- 23 United Nations Department of Public Information (UNDPI), *Building for the Homeless* (New York, United Nations, 1987), 1.
- 24 UNDP, *Building for the Homeless*, 1.
- 25 United Nations General Assembly, "Vienna Declaration and Programme of Action," Doc A/CONF. (1993), 5.
- 26 Boutros Boutros-Ghali, *An Agenda for Development* (New York: United Nations, 1995), 2.
- 27 Mshigeni, "Some Highlights on Non-Traditional Agriculture in Africa," 7.

- 28 Mshigeni, "Some Highlights on Non-Traditional Agriculture in Africa," 7.
- 29 Thomas, "Introduction," 3.
- 30 Thomas, "Introduction," 3.
- 31 Thomas, "Introduction," 3.
- 32 See www.unesco.org/science/psd/publications/science_report1998.shtml.
- 33 Out of the less than 0.5 percent of the GNP spent on science research, 47 percent goes to research in agriculture, forestry and fisheries.
- 34 See www.hdr.undp.org/hdr2006/statistics/indicators/128.html.
- 35 *Freedom to Innovate*, 44–45.
- 36 See *Daily Nation* (Nairobi) May 19, 2006.
- 37 Although skilled workers make up only four percent of the total workforce in Africa, they comprise more than 40 percent of the migrants. Some African countries, such as Cape Verde, Gambia, Seychelles, Mauritius and Sierra Leone, have lost more than 50 percent of their skilled workers through migration. See <http://web.worldbank.org/WBSITE/EXTERNAL/>
- 38 *Freedom to Innovate*, 59–60.
- 39 Zola Mbanguta, "South Africa Must be Led by an Intellectual," *City Press*, February 4, 2007.
- 40 I. Virgin, R. J. Frederick, and S. Ramachandran, "Biosafety Training Programs and Their Importance in Capacity Building and Technology Assessment," in *Biotechnology, Biosafety and Biodiversity: Scientific and Ethical Issues for Sustainable Development*, ed. Sivramish Shantharam and Jane F. Montgomery (Enfield, NH: Science Publishers, 1999), 6.
- 41 *Freedom to Innovate*, 59–60.
- 42 Peter Vale, *Security and Politics in South Africa: The Regional Dimension* (Boulder, CO: Lynne Rienner, 2003), 5.

6 Challenges of globalization, security, and governance

- 1 UN Secretary-General, "Address to the General Assembly," (September 19, 2006), 1.
- 2 Ben Kioko, "The Right of Intervention under the African Union's Constitutive Act: From Non-interference to Non-intervention," *International Review of the Red Cross* 85, no. 852 (2003): 807.
- 3 See a report by African Network on Development (AFRODAD), Open Society Initiative for Southern Africa and Oxfam GB, *Towards a People-Driven African Union: Current Obstacles and New Opportunities* (January 2007).
- 4 *Freedom to Innovate: Biotechnology in Africa's Development*. A Draft Report of the High-Level African Panel on Modern Biotechnology of the African Union and the New Partnership for Africa's Development (July 14, 2006): ii.
- 5 Critical infrastructures generally include communications networks, banking, health services, energy and water supplies, emergency services and transport networks. They comprise facilities, supply chains, and information technologies that are crucial to the social, economic, and political wellbeing of any society.
- 6 For an excellent discussion of the role of engineers in Africa's development, see Calestous Juma, *Redesigning African Economies: The Role of*

Engineering in International Development, The 2006 Hinton Lecture (London: The Royal Academy of Engineering, 2006), 3–25.

- 7 InterAfrica Group and Justice Africa, “Architecture and Capacity of the AU,” An Issues Paper presented at an AU Symposium held in Addis Ababa in March 2002. See www.interafrica.org.
- 8 For different perspectives on this, see, for example, Rorden Wilkinson and Steve Hughes, eds., *Global Governance: Critical Perspectives* (London: Routledge, 2002).

Select bibliography

Books

- Africa Institute of South Africa (2002) *Africa's development thinking since Independence: a reader*. Pretoria: Africa Institute of South Africa. This book is a compilation of development initiatives for the African continent since the establishment of the Organization of African Unity to the adoption of the New Partnership for Africa's Development and those taken in the framework of the United Nations.
- African Union (2005) *Compendium of key human rights documents of the African Union*. Pretoria: Pretoria University Law Press. This book compiles the key instruments of the African Union in relation to human rights. It analyses the Commission on Human and Peoples' Rights and the New Partnership for Africa's Development.
- African Union (2004) *A compilation of instruments and public documents of the African Union*. Addis Ababa: African Union Commission, Department of Political Affairs. This book is a compilation of instruments and public documents of the African Union made by the Department of Political Affairs.
- A. Bujira and H. Solomon (2004) *Perspectives on the OAU/AU and conflict management in Africa*. Addis Ababa: Development Policy Management Forum. This book analyses and presents different perspectives of the OAU/AU in the management of African conflicts and contains articles written by insiders.
- Jakkie Cilliers (2004) *Human Security in Africa: A conceptual framework for review*. Pretoria: African Human Security Initiative. This monograph sets out a conceptual framework for the review of selected commitments that African leaders have made at the level of the meetings of the heads of state and government of the African Union and the Organisation of African Unity, within the spirit of the NEPAD African Peer Review Mechanism.
- Manalesi Genge, Francis Kornegay and Stephen Rule (2000) *African Union and a Pan-African Parliament: working papers*. Africa Institute research paper No. 63. Pretoria: Africa Institute of South Africa. This book deals with the formation of the African Union, the African Economic Community and Pan-African Parliament. It explores possible scenarios and options for the composition of a Pan-African Parliament.

- Kissi Dompere Kofi (2006) *African Union: Pan African analytical foundations* (Cloth). Washington: Adonis and Abbey Publishers. This author advances a sociological, political, and politico-economic argument for African unity. He argues that conflicts in cultural differences as revealed in Africa's diversity are viewed as strength and beauty in unity within the Africentric mindset. These cultural conflicts and differences must be concretised in unity for Africa's emancipation, development, and social welfare improvements. The main premise of the book is that Africa must unite, without which Africa's rapid socio-economic development will be kept in arrested mode and held hostage by the imperial system of predation through international strategic resources games.
- Timothy Murithi (2005) *The African Union: Pan-Africanism, peacebuilding and development*. Burlington, VT: Ashgate. This author analyses the African Union from Pan-Africanism to the African Union. He also analyses the peace and development challenges for the African Union and the peace and security institutions of this organization. He proposes how to reinforce the partnership between civil society and the African Union before analysing the African Union as a paradigm for African auto-development.
- Rachel Murray (2004) *Human rights in Africa: from the OAU to the African Union*. Cambridge: Cambridge University Press. This book gives an overview of human rights in the OAU/AU. It also discusses several issues, namely, the relationship between the OAU/AU and the African Commission on Human and Peoples' Rights, the link between human rights and democracy, the relationship between conflict and human rights, women and the OAU/AU, children's rights in the OAU/AU, refugees and human rights, and development, NEPAD and human rights.
- Kristiana Powell (2005) *The African Union's emerging peace and security regime: opportunities and challenges for delivering on the responsibility to protect*. ISS monograph series, No. 119. Pretoria: Institute for Security Studies. This monograph traces the evolution of AU's peace and security architecture and provides examples of Burundi and Darfur as contexts where it has been put to the test.
- Nsongurua Udombana (2003) *Human rights and contemporary issues in Africa*. Lagos: Malthouse Press. This book analyses human rights with regard to contemporary issues in the African continent.
- Thomas D. Zweifel (2006) *International organizations and democracy: accountability, politics, and power*. Boulder, CO: L. Rienner. This book discusses the evolution of democracy in international organisations such as the United Nations, the World Bank, the International Monetary Fund, the World Trade Organisation, the European Union and from the Organisation of African Unity to the African Union.

Articles

- Evarist Baimu, "The African Union: hope for better protection of human rights in Africa?" *African Human Rights Law Journal* 1, no. 2 (2001): 299–326.

This article focuses on the place of human rights in economic and political integration efforts on the African continent, particularly in the African Union. It traces the history of African unity in pre- and post-colonial Africa, examines the provisions of the Constitutive Act of the AU and compares the protection of human rights in the AU with that in the OAU/AEC (African Economic Community).

Evarist Baimu and Kathryn Sturman, "Amendment to the African Union's Right to Intervene," *African Security Review*, 12, no. 2 (2003): 37–45. This article provides a legal analysis of the broadening of Article 4 (h) of the Act, the right of intervention, to prevent a "serious threat to legitimate order." It argues that this clause is inconsistent with the other grounds for intervention, which aim to protect African peoples from grave violations of human rights when their governments are unable or unwilling to do so. The amendment, by contrast, aims to uphold state security, rather than human security.

Jakkie Cilliers and Kathryn Sturman, "Challenges facing the AU's Peace and Security Council," *African Security Review* 13, no. 1 (2004): 97–104. This article examines the practical considerations for setting up the African Union's organs focusing on the Peace and Security Council. It concludes that with the launch of these new and costly institutions, there is a danger that the organization will over-reach its already limited capacity.

Tsegaye Demeke, "The new Pan-African Parliament: prospects and challenges in view of the experience of the European Parliament," *African Human Rights Law Journal* 4, no. 1 (2004): 53–73. This article attempts to consider some of the salient features of the African Parliament with a focus on its composition, functions, and powers as they are enshrined in the provisions of the Protocol. It compares and contrasts the African Parliament with the European Parliament with the hope that it would give better insight on the prospects and challenges that lie ahead of the African Parliament before it becomes a full-fledged regional institution.

Richard A. Griggs, "Geopolitical discourse, global actors and spatial construction of the African Union," *Geopolitics* 8, no. 2 (2003): 69. This article analyzes the development of a discursive formation since 1994 known as the "African Renaissance" which is linked to a new politico-territorial arrangement (African Union) and a continent-wide reconstruction plan (the New Partnership for Africa Development). A neo-realist analysis is used to explain the contingent relations between agency and discourse in constructing this alternative geopolitical space. This explanation leads to a practical consideration of the role of global actors in constructing a spatially integrated African Union.

Kithure Kindiki, "The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security: a critical appraisal," *African Human Rights Law Journal* 3, no. 1 (2003): 97–117. This article examines norms and institutions developed under the auspices of the African Union, dealing with human rights challenges on the continent. It focuses on the possibilities

these norms and institutions offer to the AU to undertake collective humanitarian intervention in response to massive and grave violations of human rights involving war crimes, crimes against humanity, and genocide being perpetrated in a member state. The author expresses optimism that, if effectively implemented, they could contribute significantly to enhancing human rights protection in Africa.

Konstantinos D. Magliveras, "The Pan-African Parliament of the African Union: an overview," *African Human Rights Law Journal* 3, no. 2 (2003): 222–234. This article discusses the future of the Pan-African Parliament, one of the organs of the AU provided for under its Constitutive Act. The OAU adopted the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament in March 2001. Its purpose is to ensure the full participation of African peoples in the development and economic integration of the continent.

Francis K. Makoa, "African Union: new organization, old ideological framework," *Strategic Review for Southern Africa* 26, no. 1 (2004): 14. This article argues that the OAU's ideological framework that is to guide the AU constitutes a hurdle that the latter would have to overcome if it is to transform the African continent.

Bronwen Manby, "The African Union, NEPAD, and human rights: the missing agenda," *Human Rights Quarterly* 26, no. 4 (2004): 983–1027. The author questions if the transformation of the Organization of African Unity into the African Union and the adoption of the New Partnership for Africa's Development (NEPAD) really make a difference for human rights on the African continent. This article sets out the commitments of the new African continental instruments in relation to democracy and the rule of law and concludes that they are useful and important but also that NEPAD in particular has significant deficiencies.

John C. Mubangizi, "Some reflections on recent and current trends in the promotion and protection of human rights in Africa: the pains and the gains," *African Human Rights Law Journal* 6, no. 1 (2006): 146–165. This article analyzes the impact that recent and current developments on the African continent have had, and continue to have, on the promotion and protection of human rights. Such developments include the establishment of an African Court on Human and Peoples' Rights, the formation of the African Union to replace the Organization of African Unity, democratic change in Africa, and the advent of a new constitutionalism that embraces the concept of a bill of rights. Several challenges still inhibit the promotion and protection of human rights in Africa, including various ongoing regional and internal conflicts, the prevalence of poverty, ignorance and diseases, the predominance of political and social disharmony, and the continued existence of unacceptable cultural and customary practices. The article concludes that there are still lots of pains to endure before the African Union system of human rights protection can favorably compare with its more advanced counterparts.

- Maxi Schoeman, "Imagining a community: the African Union as an emerging security community," *Strategic Review for Southern Africa* 24, no. 1 (2002): 1–26. This article presents an evaluation of the African Union at the dawn of its formal establishment in July 2002. It is concluded that the African Union can be defined as an emerging security community under the leadership of a group of revisionist states, but these states are facing a number of internal threats that might inhibit their participation in the community-building process. Furthermore, the counter-revisionist group led by Libya might also thwart the realization of the key objectives of the new organization in the absence of strong leadership by democratic states on the continent.
- Karen Stefiszen, "The African Union: challenges and opportunities for women," *African Human Rights Law Journal* 5, no. 2 (2005): 358–386. This paper provides an overview of the various structures of the African Union in terms of the challenges and opportunities they present for women's rights advocacy. The article discusses the following structures in relation to the African Union's declared commitment to gender equality as one of its governing principles: the Assembly of the Union, the Executive Council, the Commission, the Pan-African Parliament, the African Court of Justice, the Economic, Social and Cultural Council, the Peace and Security Council, the African Commission on Human and Peoples' Rights, and the African Court of Human and Peoples' Rights. The discussion reveals that women are unrepresented or under-represented in the main decision-making bodies of the African Union.

Index

- Abacha, Sani 26
Abdelaziz, Mohammed 28
Abidjan 21
Ablorh-Odjidja, E. 189
Abuja Treaty 32, 53, 189, 190
Accra 11, 24, 56, 186, 189, 193
Addis Ababa xii, 11, 24, 26, 36, 44,
50, 78, 89, 91, 133, 141, 143, 159,
190, 192–93, 196, 197
African Centre for Technology
Studies 111, 191
African Centre for the Constructive
Resolution of Disputes 111
African Centre on the Study and
Research on Terrorism 83
African Charter of Casablanca 21
African Charter on Human and
People's Right 37, 47
African Commission on Human
and People's Rights (ACHPR) xvi,
35, 47
African Conflict Resolution Act 33
African Court on Human and
People's Rights 47
African Economic Community
(AEC) xvi, 55, 123–25, 136, 160,
181, 189, 190, 197, 199, 200
African Economic Research
Consortium 111
African Human Rights Court 47
African Human Security Initiative
78, 197
African identity 14
African National Congress 34, 73
African Network on Development 195
African Panel on Biotechnology 100,
109, 110, 112, 115
African Peer Review Mechanism
(APRM) xvi, 35–36, 38–39, 69,
143, 154, 190, 197
African personality 1, 4, 11, 14,
18–19, 187
African Regional Innovation
Communities 110
African renaissance 14, 31–33, 199
African security xiii, xiv, 1, 78, 80,
82–83, 188, 199
African Standby Force xvi, 85, 88,
90, 164, 174–79
African Union (AU) xii, xiii, xvi, 1,
22, 28, 31, 35, 37, 40–41, 44, 50,
53, 69, 72, 76, 84, 88, 90, 115, 119,
121–22, 124–25, 137, 139, 142–44,
151, 157, 160–63, 175, 180, 183,
188–89, 194–95, 197–99, 200–201;
Charter on Democracy, Elections
and Governance 7, 58, 60–62, 64,
142–44, 191; Convention on
Preventing and Combating
Corruption 65, 145; Declaration
on the Principles Governing
Democratic Elections in Africa 62;
Mission in Burundi (AMIB) xvi,
87, 91–92; Mission in Sudan
(AMIS) xvi, 84–87, 118
African unity xii, xvii, 1, 11, 21,
26, 32, 122–25, 136, 160, 187,
197–99, 200
AFRODAD 195
Akuffo, Sophia A. B. 190

- Algerian war 21
 All-African People's Conference 11
 Al-Qaida 82–83
 Amin, Idi 26, 30, 72
 Angola 12, 24, 29, 80–81, 122, 183
 An-Na'im, Abdullahi Ahmed 187
 Annan, Kofi 3, 7, 17, 86, 114
 Anti-Corruption Convention 65, 67–69, 70
 Apartheid 12, 20, 28, 73
 Arusha Charter on Popular Participation 49
 Australia xiii, 98, 104, 118, 187–88
 Authoritarianism 18, 72
- Babangida, Ibrahim 30
 Banjul 56
 Barkan, Joel 191
 Bayart, Jean-Francois 67, 192
 Baylis, John 186
 Bellamy, Alex J. 187
 Benin 21–22, 92, 122, 183, 192
 Boahen, Adu 15
 Booth, Ken 5, 187
 Borders (Boundaries) 3, 5, 12–15, 16, 18, 20, 24, 26, 30, 36–37, 75, 78, 126, 165, 186
 Botswana 15, 24, 118, 122, 183
 Boutros-Ghali, Boutros 79, 105, 193–94
 Brazzaville 21–22, 33
 Bull, Hedley 7–8, 187
 Burkina Faso 21–22, 47, 92, 102, 122, 183, 190
 Burundi xvi, 29, 75, 87, 93, 102, 118, 122, 183, 190, 198
- Cairo Declaration 29, 163, 182, 189
 Calestous Juma 44, 95, 100, 193, 195
 Cameroon 122, 184, 190
 Canada 102, 118
 Capacity building 100, 105, 108, 110–13, 177, 195
 Cape Verde 122, 184, 195
 Caribbean xii, 19
 Carter, Jimmy 80–81, 193
 Casablanca group 21–22, 31, 33
 CDIO Institute for Africa 110
 CEN-SAD xvi, 55
 Central Africa 55, 186
- Central African Republic 21–22, 29, 55, 122, 184
 Cervenka, Zdenek 188
 Cesaire, Aime 19
 Chad 21–22, 34, 55, 87, 122, 184
 China 16, 67, 79, 86, 118
 Civil society organisations (CSO) 31, 34–35, 39, 42, 44, 49, 52, 58–59, 71–75, 77, 89, 93, 104, 114, 116, 119, 147, 152, 157, 170, 181, 190
 Civil-military relations 87, 153
 Clapham, Christopher 193
 Clayton, A. 193
 Clinton, Bill 33
 Cold War xiii, 4, 9, 27–29, 31, 32, 34, 53, 72, 77, 80–82, 193
 Collective humiliation 13
 Colonialism 3–4, 9, 12–18, 23–24, 32, 78, 102, 188
 Commission on Global Governance 6, 59, 187, 191
 Commissioner for Human Resources, Science, and Technology 37
 Common African Defence and Security Policy xvi, 48, 77–78, 87, 90, 117
 Comoros 29, 47, 51, 122, 184
 Conference on Security, Stability, Development and Cooperation 77, 189
 Conflict management 9, 39, 173, 197
 Conflict resolution 33, 55, 76, 79, 166
 Constitutionalism 8, 58, 64, 187, 200
 Constitutive Act of the African Union 1, 6–7, 29, 30, 32, 35–37, 39, 40–42, 44, 48, 52, 56, 58, 71, 76, 84, 86–88, 91, 94, 116, 120, 122, 125, 137, 142, 144, 151, 157, 160, 163–68, 172, 174–75, 183, 189, 195, 199, 200
 Continental Early Warning System (CEWS) xvi, 39, 55, 87, 90, 92, 164, 173–74, 179
 Continental government 22, 33
 Cooperation 56, 59, 68, 74, 77, 82, 89, 91–92, 100, 114, 123, 126, 145, 149, 157, 160–62, 168, 180–81, 186, 189, 191, 193

- Corruption xiii, 9, 30, 58–59, 60, 63–69, 70–71, 74, 114, 117, 145, 152–53, 191–92
- Cote d'Ivoire 21–22
- Council for the Development of Social Science Research in Africa 111
- Council of Ministers 23, 43, 53, 55, 125, 162
- Counter-terrorism 82–83
- Cox, Robert 97, 99, 194
- Crimes against humanity 6, 38, 76, 84–85, 118, 127, 138, 165, 167, 200
- Cultural humiliation 14
- Dahomey 21
- Daima, Amani 189
- Dallaire, Romeo 86
- Dar es Salaam 24, 82, 194
- Darfur 6, 36–37, 51, 57, 75, 83–86, 93, 118–19, 198; Darfur Peace Agreement 84
- Declaration Against Extremism 82
- Declaration on the Granting of Independence to Colonial Countries and Peoples 26
- Democracy 4, 7–9, 16, 22, 30, 33–34, 36, 38, 42, 45, 49, 54, 57–59, 60–69, 70–74, 94, 104, 107, 111–12, 120–21, 142–49, 151–54, 156, 159, 191, 198, 200
- Democratic Republic of Congo (DRC) xvi, 21, 29, 30–31, 51, 63, 75–76, 80–81, 90, 122, 184, 190
- Development xii, xiii, xiv, xvi, xvii, 1, 8–9, 10–11, 15, 21–22, 25–26, 29, 31–32, 34, 37–39, 44, 49, 52–54, 58–59, 60–61, 65, 68–69, 71–72, 74, 77, 79, 88, 91–92, 94–99, 100–109, 110–19, 121, 124, 126–27, 130–31, 142–46, 152–55, 161–62, 164–65, 172, 174, 177, 189, 192–99, 200
- Diamond, Larry 61, 191
- Dictatorship 17, 62–63, 72
- Diop, Alioune 19
- Diop, Cheik Anta 19
- Diplomacy 7, 8, 48, 166
- Disarmament 48, 73, 87, 168, 175, 178, 188–89
- Djibouti 15, 75, 122, 184, 192
- Djinnit, Said 190
- DuBois, W.E.B. 19
- Durban 32, 89, 183
- Dynamic tension 1–2, 5–7, 9, 12, 26–27, 32, 66, 71–72, 77, 89, 114
- East Africa 188
- East African Community (EAC) xvi, 8, 25
- Economic Community of Central African States (ECCAS) xvi, 8, 53, 55
- Economic Community of Western African States (ECOWAS) xii, xvi, 8, 25, 53, 55, 92;
- Economic cooperation 21, 25–26, 31–32
- Economic, Social, and Cultural Council (ECOSOCC) xvi, 35, 39, 41, 48–49, 52, 120
- Education 6, 13–14, 25, 43, 70, 75, 77, 79, 94, 95–96, 100–101, 104, 109, 114, 116–17, 130–31, 147, 153, 155, 194
- Egypt 21, 82, 103, 126, 160, 184, 192
- Ellis, Stephen 67, 192–93
- Emancipation 65, 71, 106, 115, 117–18, 121, 123, 187, 198
- Empowerment 1, 64–65, 71, 102, 104–5, 115, 117–18, 121
- Eriksen, S.H. 191
- Essayed, Nagia M. 190
- Essy, Amara 30, 50
- Ethiopia 30, 44, 47, 51, 75–76, 83, 102, 109, 122, 133, 141, 143, 159, 184, 190, 193
- Europe 16, 81, 101, 110, 187–88, 194
- European cultures and values 13–15
- European Union (EU) xii, xvi, 6, 8, 35, 52–53, 118–19, 198
- Failed states 81, 84
- Fanon, Frantz 19, 78, 97
- Fanoush, Hamdi Faraj 190
- Fischer, Mary Ellen 191
- Forna, Aminatta 67, 192
- France 21, 79, 104
- Frederick, R.J. 195
- Freedom 19, 20, 24, 32, 44, 61–62, 77–78, 95, 104, 115, 145–46, 149, 152, 164–65, 167, 188, 194–95

- Front Islamique du Salut* xvi, 82
 Frontline States 24, 55, 188
 Fundamental freedoms 17, 61–62, 95,
 146, 164, 167
- G-8 xvi, 67, 78, 92, 193
 Gambia 21, 92, 122, 184, 195
 Garvey, Marcus 19
 Gawanas, Bience 190
 Gender 106–7, 114, 117–18, 127,
 145–46, 150, 153, 186, 189, 190,
 192, 201
 General Secretariat 23, 136, 159
 Genocide 38, 76, 83, 85, 118, 127,
 138, 165, 167, 193, 200
 Gibson, James 191
 Gidley-Kitchen, Virginia 192
 Githongo, John 65, 192
 Global security 16, 99, 193
 Gouws, Amanda 191
 Great Lakes 55, 92, 118
Groupement Islamique Arme (GIA)
 xvi, 82
 Guindo, Modibo Tounty 190
 Guinea-Bissau 29, 102
 Guisse, El Hadji 190
 Gaddafi, Muammar 31–34, 73, 189
 Gabon 21–22, 184, 190
 Great powers 7, 8, 29
 General Assembly 3, 7, 17, 26, 114,
 186–87, 194–95
 Globalization 1–7, 9, 12, 17, 25–29,
 30–39, 40–49, 50–55, 57, 60, 64–66,
 71–72, 74–75, 77, 79, 82, 89, 94–96,
 99, 100, 102, 106, 114–19, 120–21,
 124, 186–88, 194–95
 Good governance xiii, 1–7, 9, 10, 18,
 27, 31, 36–38, 45–46, 49, 54, 57–59,
 60–61, 65–66, 69, 70–71, 74, 80, 82,
 94, 106, 121, 124, 126–27, 142–45,
 147, 164, 167, 192
 Ghana 3, 6, 11, 21, 29, 56, 69, 72,
 122, 184, 190
 Guinea 21, 46, 122, 184
- Habre, Hissen 34
 Heads of State (and government) 12,
 23, 40–41, 55, 69, 84, 103, 114,
 122, 125, 128, 137, 139, 144,
 160–61, 163, 168, 189, 197
- Health 6, 25, 75, 77, 79, 84, 94,
 100–101, 104, 115–17, 126,
 130–31, 195
 Herbst, Jeffrey 188
 Hibou, Beatrice 67, 192
 High-Level African Panel on Modern
 Biotechnology 44, 100, 195
 HIV/AIDS 56, 79, 94, 116, 152
 Houphouet-Boigny, Felix 21
 Hudson, Heidi 192
 Human Development Report
 100–102, 109, 194
 Human dignity 18–19, 100, 106,
 123, 162
 Human rights xiii, 3–5, 13, 16–17, 23,
 27, 30–32, 34, 36–38, 45–49, 51–52,
 54, 58, 61–62, 69, 73, 75, 77, 79,
 80–81, 85–86, 103–4, 107, 114, 117,
 119, 120, 126–27, 142–44, 146, 151,
 157, 162, 164–67, 177, 193, 197–99,
 200–201
 Human security 5, 61, 76, 78–79,
 101, 105–6, 145–46, 154, 192, 194,
 197, 199
 Human welfare 71–72, 111–12, 121
 Humanitarian Ceasefire
 Agreement 83
 Huntington, Samuel P. 187
 Hurrell, Andrew 2–3, 186, 188
 Hyden, Goran 59
- Identity 1, 5, 9, 11, 13–15, 18–19, 26,
 28, 57, 76–79, 80, 95, 102, 124,
 186–87
 Idris, King 31
 Independence 11, 16–18, 21–24, 26,
 36–37, 48, 62, 66, 68, 71, 77,
 80–81, 102, 123, 125–26, 144, 148,
 165, 168, 191, 197
 Information and communications
 technology xvi, 114, 117, 120
 Infrastructures 84, 107, 117, 195
 Innovation 2, 4, 10, 37, 71, 94, 95–96,
 98, 100, 106–9, 110–12, 115
 Insecurity 9, 12, 26, 54, 65, 75–76,
 79, 80, 81, 143
 Institute for Security Studies (ISS)
 xvi, 98, 198
 Institutions xi, xii, xiii, 2–3, 5–9, 17,
 22, 36, 44–45, 58–59, 63, 65, 68,

Institutions (*Contd.*)

- 72, 77, 87, 92, 95–96, 99, 101–2, 107–8, 121, 124, 126–27, 132–33, 141–42, 144–45, 147–49, 150–54, 162, 174, 177–78, 187, 198–99, 200
- Integration xiii, 9, 11, 13, 18–19, 21, 23, 36, 38–39, 49, 53–54, 56, 92, 115, 117, 124–26, 131, 144, 145, 154, 199, 200
- Interdependence 3, 37, 62, 126, 146, 165
- Intergovernmental Authority on Development (IGAD) xvi, 8, 25, 55, 92
- International Commission of Inquiry on Darfur 84
- International Court of Justice (ICJ) 80
- International Covenant on Economic, Social and Cultural Rights 104
- International Criminal Court (ICC) 6, 84
- International law 7, 8, 9, 16, 23
- International Monetary Fund (IMF) xvi, 60, 81, 108, 191, 198
- International organizations xi, xii, xiv, 7–8, 16, 52, 67, 74, 81, 87, 89, 119, 120, 161, 167, 170, 174–75, 180, 198
- International Year of Shelter for the Homeless 103, 104
- Intervention 12, 20, 38, 41–43, 48, 81, 84, 86, 88–89, 119, 127, 150, 163, 165–67, 171, 174–75, 195, 199, 200
- Intra-African cooperation 30
- Islamic values 14
- Jackson, Robert 17
- James, C.L.R. 19
- Janjaweed* 84, 86–87
- Japan 99, 111, 118
- Joiner, Julia Dolly 190
- Kalema, William 67
- Kanyehamba, George W. 190
- Keen, D. 193
- Kenya 13, 15, 65, 69, 75, 82–83, 103, 105, 111, 122, 184, 188, 190, 192–93
- Kenya Institute of Public Research and Analysis (KIPRA) 111
- Kenyatta, Jomo 71
- Keohane, Robert 3, 7, 186–87, 194
- Khadiagala, Gilbert 24
- Khartoum 85–86
- King, Preston 188
- Kioko, Ben 114, 195
- Knowledge xiii, 9, 10, 37, 59, 63, 94–99, 100–109, 110–13, 115–19, 120–21, 193–94
- Konare, Alpha Oumar 49, 78
- Korn, David A. 193
- Kurwijila, Rosebud 190
- Laden, Osama bin 83
- Lagos Plan of Action 26, 53
- Legum, Colin 18, 188
- Lenin, Vladimir 72
- Lesotho 15, 123, 184, 190
- Liberation xiii, 4, 9, 11–13, 18–19, 20, 23–24, 28, 30, 32, 34, 55, 64, 72, 78, 80, 83, 102, 124
- Liberia 21–22, 29, 55, 65, 81, 92, 123, 184, 193
- Libya 21–22, 29, 31–34, 46, 54, 72–73, 190, 192, 201
- Linz, Juan 63, 191
- Lockerbie 34
- Lome 29, 136, 161
- Lome Conventions 26
- Lome Declaration on Unconstitutional Changes of Government 64
- London 186–88, 191–94, 196
- Lumumba, Patrice 21
- Lusaka 49, 55–56, 160–61, 190
- Madagascar 21–22, 42, 123, 184, 192
- Maghreb xvii, 8, 186
- Makhanya, Mondli 189
- Malagasy Republic 21
- Mali 21, 30, 49, 123, 162, 184, 190
- Mamah, Willy 192
- Mandela, Nelson 34, 73, 78
- Marshall, Barry J. 98
- Marx, Karl 66, 99
- Masafo-Guni, Kellelo Justina 190
- Matikinye, Ray 70, 192
- Matsuura, Koichiro 96

- Mauritania 21–22, 64, 102, 123, 184
 Mazimhaka, Patrick Kayumbu 190
 Mazrui, Ali 14–15, 19, 71–72, 78, 94, 188, 192–93
 Mbanguta, Zola 195
 Mbeki, Thabo 31–34, 43, 70, 189
 Mboya, Tom 78
 McDonald, Matt 187
 Mearsheimer, John J. 187
 Mengistu Haile Mariam 30
 Military Staff Committee 89, 176
 Mkwezalamba, Maxwell M. 190
 Mohammed, Ishmail 63, 191
 Mondlane, Edouard 78
 Monrovia 21–22, 33
 Morocco 21, 24, 30
 Mozambique 12, 24, 123, 141, 143, 145, 184, 190
 Mphahlele, Ezekiel 188
 Mshigeni, Keto 103, 194
 Mugabe, Robert 31
 Multilateralism xii, 8
 Multinational corporations 67, 74
 Multiparty system 62, 73, 80
 Munusamy, Ranjeni 189
 Mutiso, Gideon Cyrus 188
 Mutsinzi, Jean 190
 Mutual preservation 11–19, 20–27, 197

 Namibia 6, 12, 80–81, 123, 184, 192, 194
 Nasser, Gamal Abdel 31
 Negritude 14
 Neo-colonialism 3
 Neo-liberal 31, 34, 60
 New International Economic Order 26
 New Partnership for Africa's Development (NEPAD) xvi, 31–33, 38–39, 53–54, 59, 65, 67–69, 70, 74, 78, 92, 121, 144, 154, 161, 189–92, 195, 197–98, 200
 New York xiv, 82, 186–88, 191–94
 NGO xvi, 40, 47–48, 60, 78, 87, 174–75, 191
 Ngoepe, Bernard 190
 Niger 21–22, 102, 123, 184
 Nigeria 8, 11, 21–22, 26, 29, 30–31, 41, 45, 47, 56, 70, 72–73, 84–85, 103, 123, 184, 189, 190, 192

 Niyungeko, Gerard 190
 Nkrumah, Kwame 3, 11, 28, 72, 78, 97, 186–88, 193, 194
 Nkuhlu, W.L. 192
 Non-interference 12, 22–23, 30, 38, 127, 149, 195
 Non-intervention 13, 30, 195
 Non-Proliferation Treaty xvi, 32
 Norms 3, 5–7, 9, 15, 18, 23, 26, 36, 60, 63–64, 70, 72–73, 77, 99, 101, 104, 107–8, 199, 200
 Numeiry, Gaafar 30
 Nyalali, Francis 63, 191
 Nyerere, Julius 15, 72, 78, 97

 O'Donell, Guillermo 191
 Obasanjo, Olusegun 31, 41, 70, 73, 192
 OECD xvii, 67
 Olympio, Sylvanus 11, 26
 Organisation of African Unity (OAU) xii, xvii, 1–2, 8–9, 11–19, 20–29, 30–39, 41, 43, 47, 49, 50, 53–58, 66, 74, 76–79, 80, 82, 87, 89, 91, 115, 121–25, 134, 136, 143, 160–63, 167–68, 183, 187–89, 190, 192–93, 197–99, 200
 Ouagadougou 47
 Oueddei, Goukouni 34
 Ougergouz, Fatsah 190

 Padmore, George 19
 Pan-African Parliament (PAP) xvii, 36–37, 40, 44–47, 49, 52–53, 56, 120, 125, 127, 131–32, 150, 157, 181, 190, 197, 199, 200–201
 Pan-Africanism xiii, 1, 9, 11, 13–14, 16, 18–19, 188, 198
 Panel of the Wise 88, 90, 164, 171–73
 Peace and Security Council (PSC) xvii, 8, 35, 39, 40, 46, 48, 50–52, 54, 56, 85, 87–89, 90–93, 119, 120, 140, 144, 151–52, 155, 157, 160, 163–66, 168–69, 170–79, 180–82, 189–90, 192–93, 199, 201
 Peace building 9, 39, 48, 75–79, 80–89, 90–93, 96, 101, 163–64, 166–67, 175, 177–79, 192

- Peace Support Operations (PSO) xvii, 48, 55, 73, 84, 91, 93, 118, 163, 165–66, 188
- Peacekeeping 33–34, 55, 76, 81, 85–87, 92, 119
- Permanent Representatives' Committee (PRC) xvii, 44, 120, 189
- Political assassination 11, 23, 26, 38, 127
- Political union 12, 31
- Pope, Jeremy 66
- Popular sovereignty 17
- Post-Cold War xiii, 9, 27–29, 81–82
- Poverty 5, 30, 54, 65, 69, 75, 78–79, 94, 101, 104, 111, 113–14, 116, 118, 154–55, 200
- Powell, Colin 118
- Power struggles 9, 11, 20, 24, 29, 51, 79, 114, 120
- Preferential Trade Area (PTA) 53
- Preventive diplomacy 48, 166
- Processes of globalization 2, 114, 115
- Protocol Relating to the Establishment of the Peace and Security Council 190
- Przeworski, Adam 63, 191
- Ramachandran, S. 195
- Ratsiraka, Didier 42
- Ravalomanana, Marc 42
- Regional Economic Communities (RECs) xvii, 6, 25, 53–56, 71, 76, 89, 90–93, 119–20, 126, 142, 144–45, 157, 193
- Regional integration 38, 53, 92, 117, 144
- Regional mechanism xvii, 54, 87, 89, 161, 163, 167, 170–71, 174, 178–79, 180
- Rhodesia 12
- Rodney, Walter 101, 194
- Roper, Hugh Trevor 14, 187
- Rule of law 8–9, 13, 22, 38, 45–46, 48–49, 58–59, 60–69, 70–75, 79, 106, 114, 124, 127, 142, 144–46, 153, 162, 164–67, 177, 191–92, 200
- Rwanda 29, 38, 69, 75, 81, 83, 85–86, 123, 184, 190, 193
- Saharoui Democratic Republic, The 24, 30
- San Francisco Conference 7, 187
- Sankoh, Foday 66
- Schmitter, Philippe C. 191
- Scholte, Jan Aart 2, 186
- Scientific socialism 22
- Security issues 6, 75, 118
- Seko, Mobutu Sese 30, 66, 72, 80
- Self-determination 6–7, 16–18, 27, 78
- Self-pacification 20, 78–79, 93, 118
- Senegal 19, 21–22, 82, 123, 184, 190
- Senghor, Leopold 19, 97
- Shaba 80
- Sierra Leone 14, 29, 55, 65, 81, 123, 184, 188, 192, 195
- Sil, Rudra 186
- Sirte 29, 32, 124
- Sithole, Ndabaningi 78
- Smith, Steve 186
- Somalia 15–17, 22, 29, 31, 38, 75–76, 81, 83–84, 92, 118, 123, 184
- Somda, Jean Emile 190
- South Africa xiii, 8, 12–13, 15, 20, 23–24, 28–29, 30–34, 43–44, 51, 56, 72–73, 80, 91–92, 103, 106, 112, 123, 162, 184, 190, 192, 195, 197
- South Korea 111
- South Western African People's Organization (SWAPO) 80
- Southern Africa xii, xvii, 8, 11–12, 20, 24–25, 53, 55, 78, 112, 186, 188, 195, 200–201
- Southern African Development Community (SADC) xii, xvii, 8, 25, 55, 92,
- Sovereign equality 23, 38, 126, 165
- Soviet Union 34, 79, 80
- Specialized commissions 49, 120
- Specialized technical committees 37, 43–44, 94, 127, 130, 131
- State sovereignty 2, 8, 12, 15–17, 20, 23, 30, 36, 38, 188
- Stepan, Alfred 63, 191
- Strategic partnership 96, 108, 113
- Structural adjustment programs (SAPs) 81, 108
- Sudan Liberation Movement (SLM) 83

- Sudan xvi, 21–22, 30, 36, 47, 75, 83–86, 92, 118–19, 123, 184, 190
- Sustainable development 34, 37–38, 54, 60–61, 71, 94, 96, 115, 126, 145–46, 154–55, 162, 164, 195
- Taiwan 16, 111
- Tankeu, Elizabeth 190
- Taylor, Charles 66, 72
- Technology xvi, 2–4, 12, 37, 43–44, 71, 82, 94–96, 98–99, 100, 106–9, 111–12, 114, 117, 120, 126, 130, 190–91, 193, 195
- Territorial integrity 12, 15, 20, 22–24, 26, 30, 36, 77, 125, 165
- Thomas, Caroline 105, 194
- Togo 11, 21–22, 29, 64, 102, 136, 161, 185, 190, 192
- Toure, Sekou 21, 78, 97
- Transparency 31, 34, 45, 49, 57, 60, 66, 68, 70, 121, 143, 145, 147, 153–54
- Transparency International 66, 70
- Traore, Moussa 30
- Tunisia 6, 21–22, 123, 161, 185
- Uganda 26, 30, 47, 72, 75, 123, 185, 190, 192
- UNESCO xvii, 96, 108–9, 110, 194–95
- UNESCO World Report 194
- Union of Arab Maghreb (UMA) xvii, 8
- United Africa 19, 53
- United Nations (UN) xii, xvi, xvii, 3, 6–8, 16–17, 21–26, 29, 31, 36, 38, 40, 51–52, 67, 69, 76, 79, 80–82, 86–87, 89, 91, 93, 102–5, 111, 114, 118–19, 120, 168, 186–89, 191, 193, 195
- United Nations Development Programme (UNDP) xvii, 109, 194
- United Nations Environment Programme (UNEP) xvii, 110
- United States 20, 22, 33–34
- United States of Africa 19, 20, 22, 33, 53, 79, 80–81, 104
- Universal Declaration of Human Rights 104
- Useem, Andrea 98, 194
- Vale, Peter 112, 192, 195
- Valenzuela, J. Samuel 191
- Vancouver 102
- Vandenberg, Arthur 7, 187
- Virgin, I. 195
- Warren, J. Robin 98
- Washington (DC) 33, 82, 198
- Weiss, Thomas G. xiv, 191, 193
- West Africa 53, 73, 112, 186
- Western Sahara 24, 30
- Widner, Jennifer A. 191
- World Bank 8, 60, 81, 98, 108, 198
- World Conference on Human Rights 104
- Woods, Ngairé 2, 186
- War on terror 63, 82–83
- Westphalia 15–16
- War crimes 6, 38, 76, 84–85, 118–19, 127, 138, 165, 167, 200
- White minority regimes 12, 27
- War xiii, 4, 6–7, 9, 21, 24, 27–29, 31–32, 34, 38, 42, 53, 63, 67, 72, 75–77, 79, 80–85, 93, 101, 110–12, 118–19, 127, 129, 138, 165, 167, 193, 200
- Zaire 30, 80
- Zimbabwe 12–13, 24, 31, 37, 43, 47, 75, 118, 123, 162, 185, 192
- Zorba, Bernard 190
- Zuma, Jacob 70