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The African Union after the Durban 2002 Summit

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Just over a year ago I was a research fellow with COPRI[1] and worked on a paper exploring the extent to which the new African Union (AU) would reflect a security community on the African continent.[2] Since then the AU was officially launched in Durban, SA, in early July 2002 and, to my mind, the core argument that I made in my paper has been vindicated: The negotiations and the general activities and processes surrounding the establishment and the early days of the new organisation point to the fact that there is a struggle at the heart of the Union for political dominance between two schools of thought – the revisionists and the counter-revisionists. The revisionists include countries such as SA, Nigeria, Algeria and Senegal, and the counter-revisionists include Libya, Zimbabwe and a number of others.[3]

Despite the strong points of the leaders of the revisionist group (Nigeria has since independence been an African great power with great influence on the continent, South Africa is the most developed and industrialised country in Africa, Senegal is traditionally the leader of francophone Africa etc.) and their commitment to a specific value system that accords with those political ideas and meanings related to

[1] Copenhagen Peach Research Institute (COPRI) is now part of the new Institute for International Studies, Copenhagen, Denmark.

[2] This article was published under the title 'Imagining a community – the African Union as an emerging security community' in Strategic Review for Southern Africa, June 2002, pp1-26.

[3] South Africa, Nigeria and Algeria, the original proponents of what was initially known as the Millennium African Plan (MAP) and now as NEPAD, were soon joined by Senegal and Egypt, with Ghana, Botswana, Mozambique and Tanzania as keen supporters/'junior' partners. These countries form part of the revisionist bloc; under Libyan leadership the counter-revisionist bloc includes Liberia, Zimbabwe, Ivory Coast, Guinea, Burkina Faso and Swaziland. See Schoeman op.cit. for a discussion on the concepts 'revisionists' and 'counter-revisionists.

a security community (liberalism and democracy),[4] their acceptance as leaders and 'role-models' cannot be taken for granted. The lure of Gadafi's 'chequebook diplomacy' should not be underrated. But more crucial – the counter-revisionist resistance to democratic change and to compliance with democratic principles (such as the rule of law, the encouragement of civil society participation etc) might be attractive to old-style African leaders who resist change and who continue clinging to power. It will be the ability of the revisionist group within the AU to foster a 'taste' for democracy, to generate attempts at emulation and to be prepared to take up strong leadership positions and responsibilities[5] that will determine whether the organisation will emerge as a security community, or whether it would continue to be the OAU (Organization of African Unity) under a new name. The importance of this issue of who holds power and whose knowledge will permeate the AU cannot be over-emphasised.

In this presentation I address a few issues that will not only give an overview of where the AU is at present, but that will also touch on (although implicitly so) this issue of whose ideas and values are permeating the AU and what the consequences are. Yet, let me make something else clear at the outset. A dichotomy between revisionists and counter-revisionists is also somewhat of an over-simplification, as

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[4] See Adler, E and M Barnett, 1998, 'A framework for the study of security communities' in Adler, A and M Barnett (eds), <u>Security Communities</u>, Cambridge: Cambridge University Press, p40.

[5] In this sense South Africa's peacekeeping operation in Burundi might turn into an important test for the country's ability to be a genuine leader on the continent and to serve as a 'magnet' that attracts other powers in the expectation that they would benefit from association with the powerful core.

even within the revisionist group, there are elements of tension and a power struggle. So for instance, Nigeria's strong insistence on the importance of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) is perceived by some SA policy-makers as undermining of the New Partnership for Africa's Development (NEPAD), and the whole debacle around the African Peer Review Mechanism (APRM), with Botswana's recent indication that it would not submit itself to peer review, also point to the fact that loyalties are not clear-cut and seamless.

I will concentrate on four issues in the presentation – some technical aspects regarding process in the AU, then the Peace and Security Council (PSC), third NEPAD and finally the issue of civil society participation in the AU, particularly in the Economic, Social and Cultural Council (ECOSOCC). A caveat here: in giving this overview I do not want to suggest that these problems are peculiar to Africa and its attempts at building international institutions. Many of these issues are also those that confront other international organisations such as the UN and EU. E.g. one can look at the UN's struggle over time with putting together peace keeping operations and the fact that not all countries are happy with the idea that their troops should serve under what is perceived to be foreign command. Or look at the EU's problems in formulating and implementing a common foreign policy – the Iraq question is at present the best example of this with an apparent split within the Union on support for the position of the US. Neither do I suggest that the issues dealt with here are the only ones to confront the AU.

One of the core problems surrounding the process of operationalising the aims, objectives and structures of the new organisation has to do with what I want to term process. On the face of it this issue concerns technical matters, but it is actually something that runs deeper and there are three aspects that I want to touch on.

The first is that of a measure of over-reach. If one takes into account that the AU will consist of 18 organs, the immensity of fleshing each out, becomes apparent, particularly in view of the fact that building structures and institutions requires human and material resources and, of course, and crucially so in most instances, political will. Thus far only 6 of these organs have been established and the protocol for one of them (the Peace and Security Council) has not been ratified yet (see subsequently). Added to the problem of over-reach is the possibility of duplication and overlap that could also put a further drain on already strained resources.

To provide but one example: within NEPAD there is a peace and security programme, while the CSSDCA has a similar pillar, and the AU's PSC, one of its official organs, also has responsibility for peace and security on the continent. Of course the PSC has the authority, in terms of its Protocol, to actually implement decisions in this realm, but the fact of the matter is that valuable time and resources are spent on developing similar processes and rules of procedure for the other institutions. In order to operationalise the APRM, a baseline study of all member states is necessary. At the same time, within the PSC, it would seem that a similar process is under way in order to build the

Organ's early warning capacity, interlinking the various regional economic blocs as well – the end result is duplication of efforts.

Also, there is a sense of urgency in the need for developing all the other organs now - the small numbers of officials in various foreign affairs departments are falling about trying to create and develop the rules of procedure for the various organs, without the necessary time, inputs and other resources to allow for thoroughness. Maybe one could summarise this problem as one in which Africa (particularly its political leadership) is still in the habit of trying to design and implement a fully-fledged organisation in a top-down fashion, with little opportunity for a kind of organic growth of institutions based on needs that are articulated through a bottom-up process, or through time and experience that identify needs and then the ways and means of dealing with these.

The second aspect is of course that hovering above all these activities is the spectre of politics or political will. Apart from the immensity of the project of building the AU, there is this issue of implementation that is dependent on African leaders. At his opening address of the first extraordinary Assembly of Heads of State in Addis Ababa on 3 February 2003, SA's president Mbeki pointed out that not enough countries have yet ratified the Pan African Parliament (PAP) protocol to have the parliament constituted. However, the Protocol was already signed in 2001. Furthermore, despite the official agreement in Durban in July last year that the ratification of the PSC protocol was of the utmost urgency, not a single country has yet ratified it. Also, in all deliberations by officials on developing the various institutions and their

rules of procedure, the main concern the whole time is not to ruffle any feathers – all recommendations have to be examined in the light of what this or that country would 'make of it'. This is particularly problematic in the case of South Africa which is very hesitant to take up a too prominent role for fear of a too strong leadership role being rejected and being accused of hegemonic tendencies or being in the pay of the West or international financial institutions.

In the mean time, the Constitutive Act (CA) of the AU determines that until such time as the various organs have been constituted, the organs and mechanisms of the now defunct OAU will remain in place. This measure of course opens up the possibility that the longer it takes to develop the new organs, the bigger the chance that the AU will not differ all that much from the OAU.

The third aspect in terms of process concerns the relationship of the various Regional Economic Communities (REC) to the AU.[6] The CA has it that this is a crucial building-bloc of the success of the AU – i.e. the way in which these regional organisations will be linked to each other and to the continental organisation. A protocol is in place (in terms of the Abuja Treaty on the establishment of an African Economic Community – AEC) that allows for the vertical relationship between the continental body and the regional organisations and for horizontal relationships between and among the various regional bodies. Yet, so far this has been perhaps the one aspect on which there has not been any discernible movement – basically no one is sure exactly how to

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[6] The five sub-regions are the Arab Maghreb Union, the Economic Community of Central African States, COMESA, SADC and ECOWAS.

build these linkages, not least because of the huge differences between the various regions in terms of levels of development and integration (differences that are also often very pronounced even within sub-regions), and of course also because delineation of the RECs is somewhat confusing and overlapping.

A major problem concerning the RECs is, again, that of resources. It is clear that the demands of building the AU will put a strain on member states, particularly those in leadership positions. But these states are the very ones that are also fulfilling leadership positions within their own sub-regions (e.g. Nigeria within ECOWAS and South Africa in SADC), thereby also having to fund many of these initiatives. It would be interesting to see whether some states 'choose' between the AU and 'their' regional organisation when it comes to allocating resources. The danger is that those wishing to play a continental role might neglect institutional development at the sub-regional level. On the other hand, embroilment in regional conflicts, for instant, might deflect one or more member states from contributing to the building of the continental organisation. What is certain is that the various initiatives at the sub-regional and continental levels are putting a lot of strain on even the most competent state machinery.

The Peace and Security Council

When it comes to the newly established PSC I think that one of the most important aspects concerning this Council is the recommendation of the Union's Executive Council to the Assembly that will meet at the

summit in Maputo later this year, that the Constitutive Act be amended to provide for a change in art. 4 (h). This article provides for intervention by the Union in a member state on the recommendation or decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity. The original inclusion of this article into the CA was already hailed as a big step forward, as it implied an erosion of the principle of state sovereignty, a principle so often used by African leaders to perpetuate mis-rule and other atrocities.

On the recommendation of Libya another cause for intervention will now be tabled at the Maputo summit, viz. 'instances of external aggression 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.' The recommendation has been somewhat toned-down, as the Libyan suggestion at first included a right of intervention under conditions of 'unrest' as well. It is extremely difficult to envisage sufficient consensus, or rather, a two-thirds majority vote to intervene in a country under these vague terms, yet it would also depend on the constitution of the Council at any particular point in time, as there is no such thing as a veto right. An interesting point, though, about article 4 of the CA is that it in fact goes 'beyond' the provision made for intervention in the internal affairs of a country in the UN Charter.[7] The Charter allows for intervention (and therefore an exception to article 2 (7) of the Charter) in the case of threats to international peace and

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[7] I want to thank Dr Bjørn Møller (Institute for International Studies, Copenhagen, Denmark) for pointing this out to me.

security (Chapter 7 provisions) and according to Chapter 8 regional organisations are subject to the UN Charter. It would therefore be interesting to see how article 4 is dealt with in the light of Chapter 8.

Another issue related to the PSC and to the Union as a whole, is the very obviously powerful role of the chairperson of the Commission of the Union (the Secretariat), as this person will eventually assume much of the political leadership regarding conflict prevention and mediation previously largely assigned to the annual chairperson of the Assembly. One can therefore expect that the position of the chair of the Commission will be a hotly contested one. At present Mr Amara Essy, the last secretary general of the OAU, is filling this position on a temporary basis.

I might also mention here, in order to underline the very active role that President Gadafi is playing in the development of the Union, that at the Tripoli meeting in December 2002, it was Libya who put forward a proposal that the Assembly should not be chaired by a Head of State or Government on a basis of rotation, but that the position be filled permanently. This is an indication of the Libyan push for a genuinely United States of Africa, or an African Federation of States – a proposal (for a change of name of the organisation) which was also made at the Tripoli meeting, but subsequently rejected, though in the nicest possible way with assurances that this will surely come to pass as these 'names' reflect the ultimate intent of the AU.

A last issue concerning the PSC is that of an African Standing Army – also a Libyan initiative that met with great reluctance during the

launching summit of the AU last July. As President Museveni of Uganda argued during the Durban summit, a 'standing army' implies a single country and it is abundantly clear that apart from lip-service being paid to the idea of a 'United States of Africa' few countries are willing to reach such a point of integration in the near future. Eventually a series of decisions were taken at the Summit concerning the establishment of an 'African Army', but the various units of such an army will still be within the national armies of member states, to be put at the service of the African Army if and when necessary. The general feeling (amongst heads of state at the Durban summit) was one of discomfort and the result was a decision to work towards a common defence and security for Africa. A draft protocol on a common defence and security policy is expected to be tabled at the Maputo summit in July this year and will be based on the inputs of a group of experts, appointed by the chairperson of the Assembly. At the extraordinary Assembly that took place on 3 and 4 February 2003, this was one of the issues emphasised by the SA minister of foreign affairs as one needing the serious attention of member states.

NEPAD

A third issue that I want to address because things changed radically during and after the Durban summit, is that of NEPAD. Initially, of course for political reasons, the founding members of this programme made it clear that it belonged to Africa and that therefore, officially, it would be linked to the AU. In Durban NEPAD was adopted as the official economic development programme of the AU. Yet this might not

be as much of a victory as would seem at first glance. The moment it became the 'property' of the AU, it was subjected to overseeing by the Assembly, thereby already losing some of its potential clout, as much of its independence was eroded.[8] The 'unionisation' of NEPAD also brought the NEPAD secretariat, up till then considered to be somewhat of a threat to the OAU/AU bureaucracy, much closer to the AU's Commission, weakening the previous heavy South African influence of this office.

Furthermore, in order to get it accepted as the official economic development programme of the continent, more states had to be taken abroad with the expansion of the membership of the NEPAD steering committee which now also includes Libya and Kenya as members. Libya made it plain that it was an *African* plan and that the continent would not bow to external pressures on economic policy or reform, whereas originally the intention was to 'buy in' external support (such as the G8) in return for economic and political reform by African states. In the eyes of the broader community of states NEPAD lost some of its legitimacy, as its core membership now reflects a number of states that do not seem to have much intention of adopting neo-liberal economic perspectives or policies. Given the extent to which the programme will be dependent on outside investment and contributions for its success, it is to be doubted whether the expansion of the steering committee will prove to have been a sound economic decision. What might happen is that investors (and donors) would prefer to work with individual

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[8] For a good discussion on the AU and NEPAD, see 'The NEPAD peer review mechanism: prospects and challenges', editorial of <u>African Security Review</u>, 11 (4) 2002, pp1-3.

countries rather than through NEPAD exactly to prevent having to 'cope' with 'rogue' states such as Libya. This much has been implied by the G8 meeting in Kananaskis in June 2002 (even before the decision to enlarge the membership of the NEPAD steering committee) where the G8 Africa Action Plan aimed at providing a framework for supporting NEPAD was adopted. In his summary of the summit's deliberations, the chairperson specifically referred to the enhancement of partnerships with African countries 'whose performance reflects the NEPAD commitments'.

The uncertainty and tension regarding the adoption and implementation of a peer review mechanism further confuses matters and although a draft protocol on the APRM has been drawn up for consideration by the Maputo Summit in July this year, it is doubtful whether it would be of any real significance. Technically the APRM takes its cue from a similar process within the OECD, but in contrast to the OECD mechanism, an *African* peer review mechanism is of course very highly politicised. Countries sign up to being peer reviewed in terms of a 'Democracy and Political Governance Initiative' and would be subject to conditions that not all leaders might be comfortable with, such as fixed terms of office. One suggested way out of this impasse is to shift peer review to civil society, and a well-known German institute is now developing a model for peer reviewing together with a number of civil society organisations on the continent. Again, in the development of this project, care is taken to include NGOs from outside South Africa for fear that a too obviously South African project would defeat its own purpose. To what extent such an 'outside' process would have an impact on governance issues in member

states, or on potential donors and investors, needs to be seen. This mention of civil society brings me to the last problematic issue to be addressed in my presentation, viz. civil society participation.

Civil society participation

In the preamble of the Constitutive Act of the AU the role of civil society in the activities of the AU is given high prominence. One of the Organs, ECOSOCC, makes very specific provision for the incorporation of civil society in its activities, but this is proving to be a huge problem.

First of all, in Africa NGO's are sometimes confused with civil society, not least because they often have the resources for participation, and of course these resources often come from abroad, making other more community-based organisations, and governments, rather suspicious of their intentions.

But the problem goes further. The AU is and remains an inter-state or inter-governmental organisation – and it would seem that such organisations will be involved in the AU and in ECOSOCC in particular under duress of their governments. In many instances there are no indications of genuine civil society in member states – how to know whether those who participate genuinely reflect the wishes and aspirations of the inhabitants of their parent countries? Furthermore, by what yardstick does one evaluate the representivity of such an organisation, particularly in light of the huge differences between countries? At this point there is a process being developed for civil

society 'associational status' to the AU, but this is quite separate from actual participation in, e.g. ECOSOCC which in terms of its draft protocol should form one of the important roleplayers within this organ.

A suggested structure for ECOSOCC, coming from South African inputs, is that the institution should be based (as far as civil society representation is concerned) on a number of representatives per REC with the requirement that there should be at least one representative from each of the member states of the REC. The reasoning behind this is to attempt to prevent outright cooptation of civil society representatives in the case of undemocratic countries with weak civil societies. So, for instance, there is not much hope that should a country such as Swaziland where trade union activities are banned send a 'civil society representative' to ECOSOCC to deal with labour issues, this representative would truly reflect Swazi workers' interests. Yet, it is argued, at least one of the regional representatives would be from a country with a legal and active trade union movement and could then at least at the regional level work towards keeping civil society across the region informed and involved. Another recommendation is that ECOSOCC should be structured in terms of the seven technical commissions that will form part of the official organs of the AU, thereby bringing structure and coherence to the Council. At this point in time the way in which other regional organisations, such as the EU, deals with civil society involvement is also being scrutinised for guidelines.

Conclusion

I often think that one of the main problems regarding the quest for political and economic integration in Africa, a process aimed at bettering the lives of the people of the continent, or of some of them if one wants to be cynical about it, is that we do not take enough account of the fact that Africa is a continent, not a country. The way in which the Zimbabwe issue has been dealt with up to now, both on the continent and in the international community's approach, is a case in point. There are such huge differences between countries, particularly politically, that the quest for unity and integration becomes almost an impossible dream. When one looks to the European Union, the salient characteristic of the organisation is the extent to which its members reflect similar political cultures, and certain political (and economic) requirements are to be met before membership is granted to applicants. In Africa, due to the hugely powerful myth of African unity, this luxury does not exist. All are welcome to join, making the realisation of the AU's lofty ideals rather difficult if not impossible. Time is needed for political cultures to change, but time is also used by those already in power to entrench their positions even further.

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Regional Arrangements and the Maintenance of International Peace and Security: The Role of the African Union Peace and Security Council. The Summit theme emphasises the African. dynamics. Brics offers an historic opportunity to. Union's own prioritisation of infrastructure. explore new models and approaches towards. development and industrialisation and will also. As we celebrate the 50th anniversary of the OAU, we should also remember a stalwart of Pan Africanism, Dr WE Dubois, who died in 1963 in Ghana, just a few months after the formation of the OAU. At the height of the First World War in 1915, Dr Dubois wrote his famous article entitled 'The African Roots of War' wherein he described what was contributing to the development and accumulation of wealth by the North while the South was being underdeveloped. The African Union, or AU, is a pan-African organisation whose goal is to propel a united continent towards peace and prosperity. The AU supports political and economic integration among its 54 member nations. It aims to boost development, eradicate poverty and bring Africa into the global economy. The AU succeeded the Organisation of African Unity (OAU) in 2002. In its later years the OAU - which originated in the decolonisation struggles of the early 1960s - had been criticised for becoming a mere talking shop. Overview. Overview | facts | leaders | issues. 2002: AU launched at Durban summit, South Africa. Headquarters: Addis Ababa, Ethiopia. Membership: 54 African nations.