

Spring 4-15-2016

# The State of the Union: What Future for African Integration in a Globalizing World?

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# **The State of the Union**

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What Future for African Integration  
in a Globalizing World?

Elizaveta Bekmanis

Honors Thesis

Presented to the Department of International Studies

Macalester College

St. Paul, MN, USA

Faculty Advisor: Dr. Ahmed I. Samatar

April 15, 2016



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## Acknowledgements

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I owe thanks to many people who have provided me with guidance and support throughout my years at Macalester and during the crafting of this thesis. I would first like to thank my advisor, Professor Ahmed Ismail Samatar, for challenging me to pursue an honors thesis, helping me realize my field research in Brussels in 2014 and Addis Ababa in 2015, and supervising my research and writing. In addition, I owe thanks to all of the professors who have taught me at Macalester for preparing me for undertaking this project.

I would further like to express my thanks to President Brian Rosenberg of Macalester College, as well as Macalester College itself, for providing me with support to be able to travel to Addis Ababa to conduct interviews with staff at the African Union headquarters and other international affairs professionals. In addition to the generous support of the college, many individuals have contributed to my research trip through a fundraiser, for which I am deeply grateful.

My field work would not have been as productive as it was without the ready participation of my informants. I am indebted to everyone who participated in my research - in Brussels, Addis Ababa, and elsewhere.

Lastly, I would like to thank friends and family, especially my sister, Ekaterina, without whom I would not have been able to pursue my academic aspirations.

## **Abstract**

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The supersession of the Organization of African Unity (OAU) by the African Union (AU) in 2002 marked a paradigm shift in African international relations. While the OAU had become known as a talking shop that failed to foster integration, the AU was established with a revived commitment to African unity. This thesis examines what lessons the European Union has to offer for African integration and the achievements and shortcomings of the AU. I find that its legal and institutional framework displays an ambitious commitment to integration, development, and democratization but that the AU suffers from functional problems that delay implementation.



## List of Abbreviations

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ACJ	African Court of Justice
AEC	African Economic Community
ADB	African Development Bank
AGA	African Governance Architecture [African Union]
AIF	African Integration Fund [African Union, proposed]
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
ANZCERTA	Australia New Zealand Closer Economic Relations Trade Agreement
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUC	African Union Commission
CEN-SAD	Community of Sahel-Saharan States
CEPGL	Economic Community of the Great Lakes States
CFSP	Common Foreign and Security Policy [European Union]
CFTA	African Continental Free Trade Area
COMESA	Common Market for Eastern and Southern Africa
CPCM	Conseil Permanent Consultatif du Maghreb
DRC	Democratic Republic of Congo
EAC	East African Community
EC	European Commission
ECCAS	Economic Community of Central African States
ECB	European Central Bank
ECJ	European Court of Justice
ECOSOC	Economic and Social Committee [European Union]
ECOSOCC	Economic, Social and Cultural Council [African Union]
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
EP	European Parliament
EU	European Union
EMU	Economic and Monetary Union [European Union]

FTA	Free Trade Area
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
HDI	Human Development Index
IGAD	Intergovernmental Authority for Development
IGADD	Intergovernmental Authority for Drought and Development
IMF	International Monetary Fund
LDC	Least Developed Country
LEDC	Less Economically Developed Country
MERCOSUR	Southern Common Market
NAFTA	North American Free Trade Agreement
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
PAP	Pan-African Parliament [African Union]
Pegida	Patriotic Europeans Against the Islamization of the West
PACCI	Pan-African Chamber of Commerce
PSC	Peace and Security Council [African Union]
QMV	Qualified Majority Voting [European Union]
REC	Regional Economic Community [African Union]
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SAP	Structural Adjustment Program
TCE	Treaty Establishing a Constitution for Europe
TEU	Treaty on European Union
TFTA	Tripartite Free Trade Area
TFEU	Treaty on the Functioning of the European Union
TTIP	Transatlantic Trade and Investment Partnership
UDEAC	Central African Customs and Economic Union
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
WAEMU	West African Economic and Monetary Union
WTO	World Trade Organization

# Introduction

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Africa can and will only advance through African integration, which can be realized through the Federal United States of Africa.

- Cheikh Anta Diop

I dream of the realization of the unity of Africa, whereby its leaders combine in their efforts to solve the problems of this continent. I dream of our vast deserts, of our forests, of all our great wildernesses.

- Nelson Mandela

One of the achievements of our blood-stained century if it may be called an achievement, is so clearly to have revealed the two faces of nationalism: its capacity for enlarging freedom, and its potential for destroying freedom.

- Basil Davidson

The establishment of the African Union (AU) in 2001 and its subsequent inauguration in Durban, South Africa, in July 2002 marked a paradigm shift in African international relations. The AU's predecessor organization, the Organization for African Unity (OAU) had been established in 1963 with the promotion of unity and solidarity among African states, the improvement of the lives of African peoples, the defense of the sovereignty and territorial integrity of member states, the eradication of all forms of colonialism in Africa, as well as the intensification of international cooperation as its objectives.<sup>1</sup> Of these, it succeeded in achieving the liberation of the continent from

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<sup>1</sup> Charter of the Organization of African Unity, May 25, 1963, Art. 2.1.

colonialism and apartheid, as well as the protection of national sovereignty of member states, but has come under criticism for its dismal performance with regards to its other objectives. It came to be known as an organization that accommodated the interests of national governments but failed to address the challenges which its member states and their peoples faced during the years of its existence. The end of the Cold War, the successive victory against apartheid, and the beginning of the dismantling of authoritarian regimes across Africa during the 1990s fostered hope for political and economic transformation on the continent. Thus, at the turn of the twenty-first century, a group of African leaders sought to revive the ideology of Pan-Africanism and give new momentum to Kwame Nkrumah's vision for a united African continent. Led by Thabo Mbeki of South Africa, these leaders, among whom were Olusegun Obasanjo of Nigeria, Abdoulaye Wade of Senegal, Abdul-Aziz Bouteflika of Algeria, Joaquim Chissano of Mozambique, and Alpha Oumar of Mali, envisioned a future in which African states would reduce their dependence on external aid and intervention and collectively establish the continent as a major player in global governance.<sup>2</sup> These leaders saw integration as the core prerequisite for developing African solutions to African problems and for gaining influence internationally. Through the pooling of sovereignty and harmonization of policies, they argued, African countries would increase their bargaining power vis-à-vis the rest of the world, and accelerated economic integration would moreover boost development by unleashing the benefits of enlarged domestic markets. While at

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<sup>2</sup> Sabelo J. Ndlovu-Gatsheni, "Pan-Africanism and the international system," in *Handbook of Africa's International Relations*, ed. Tim Murithi (London: Routledge, 2014), 26.

first, OAU members committed to a review of the OAU Charter to assess whether changes should be made to the organization in order to foster closer integration under the OAU framework and what the nature of such changes would be, the slow pace of said review propelled member states to create a new organization altogether.<sup>3</sup> At the Fourth Extraordinary Session of the OAU in 1999, they adopted the Sirte Declaration, which announced, *inter alia*, the establishment of the African Union, accelerated economic integration, and the planned drafting and adoption of a constitutive legal text for the new union.<sup>4</sup> The entry into force of the Constitutive Act of the African Union (the Constitutive Act) in May 2001 following the establishment of the AU in March of the same year made manifest the desire to deepen continental integration in Africa. The Constitutive Act provides for new institutions that the OAU had lacked, namely the African Court of Justice, the Pan-African Parliament (PAP), and the Economic and Social Council (ECOSOCC), which have been designed to allow for a more democratic union through the engagement of civil society. It additionally reflects a paradigm shift with regards to the norms of state sovereignty and non-interference that were enshrined in the OAU Charter. By endowing the AU with the power to intervene in member states in grave circumstances as well as in the event of an unconstitutional change of government, the Constitutive Act counters the reluctance to get involved in the domestic affairs of member states in extraordinary circumstances that had previously predominantly defined

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<sup>3</sup> Tiyanjana Maluwa, “The Transition from the Organization of African Unity to the African Union,” in *The African Union: Legal and Institutional Framework* ed. Abdulqawi A Yusuf and Fatsah Ouguerouz (Leiden: Martinus Nijhoff Publishers, 2012), 30.

<sup>4</sup> Sirte Declaration, September 9, 1999.

African international relations since independence. African leaders created a continental organization that raised hopes domestically, continentally, and globally.

The revived vision for an African transformation through Pan-African unity that had led to the establishment of the AU arose in response to two fundamental challenges affecting African states, one old and one new. The old challenge is that of underdevelopment and undevelopment, while the new challenge is that of globalization.

Underdevelopment and undevelopment in many ways, albeit not entirely, relate to the legacy of colonialism on the continent. With few notable exceptions, such as Botswana, the hopes for development that had characterized the independence era had not materialized throughout much of Africa by the end of the Cold War. Although the OAU Charter listed among its objectives the improvement of the lives of African people, development remained a predominantly domestic policy area that was carried out through state-led approaches and paired in many places with destructive nationalist projects. Together with the OAU's doctrine of strict non-interference in the domestic affairs of member states, these policies frequently resulted in economic stagnation at best and decline at worst.

Exemplary of these trends were the disastrous attempts at villagization through resettlement in Ethiopia in the 1980s, as well as the economic decline in Zaire, today the Democratic Republic of Congo (DRC), under Mobutu Sese Seko's rule between 1965 and 1997. The DRC in many ways represents the most acute example of the particular developmental challenges affecting many African countries after independence. The

legacy of brutal colonization by Belgium, paired with low levels of precolonial production during the Kingdom of Kongo in which the economy was based on slave trade and resource extraction, produced extractive political and economic institutions that continued to exist after independence.<sup>5</sup> Corruption, capital flight and conflict became widespread, preventing productive accumulation and investment in the provision of public goods. Despite being one of the richest countries in the world in terms of natural resource abundance, between 1965 and 1997 real GDP per capita in the DRC as measured in constant 2005 US Dollars fell from \$742.3 to \$254.1, and further to \$206.6 by 2000.<sup>6</sup> Moreover, much of the country is affected by undevelopment, as vast areas are out of the reach of existing infrastructure and state power. At the same time, much of the known resource wealth of the DRC has been and continues to be exploited to the benefit of foreign firms and small local elites, leading to the generalized high vulnerability reflected in the decline of the material standard of living as shown by the falling GDP per capita.<sup>7</sup>

The DRC may constitute an extreme case of failed development on the African continent, but its fate is instructive to the understanding of the challenges of undevelopment and underdevelopment in Africa. In addition to underdevelopment, that is, the exploitation of local resources for the benefit of foreign powers and undevelopment, i.e., the failure to capitalize on known and yet undiscovered resources,

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<sup>5</sup> Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (New York: Crown Publishers, 2012), 88.

<sup>6</sup> “Democratic Republic of Congo,” World Bank, accessed December 20, 2015, <http://www.worldbank.org/en/country/drc>.

<sup>7</sup> Ibid.

colonialism meant that African states were integrated into the global economy on the terms of the colonizers. This frequently resulted in the economies of African states being based on the export of a handful or less primary commodities for consumption and value-added manufacturing in the West. As a result, many African economies became vulnerable to fluctuations in global commodity prices and lack the kind of diversification of production that reduces such vulnerabilities. Colonialism, moreover, had as a consequence that, with only few exceptions, namely Egypt, Ethiopia, Liberia, and Sudan, African countries did not take part in the processes that created global cooperation and integration regimes at the League of Nations, the United Nations (UN), and under the General Agreement on Tariffs and Trade (GATT). Because these regimes were negotiated before the majority of African states had gained sovereignty, they disproportionately institutionalized Western interests. At independence, African states, like other formerly colonized countries, thus started out from a disadvantaged position on the global political and economic playing field.

At the time of the transformation of the OAU into the AU, the failure of African states to single handedly deal with the challenges of undevelopment and underdevelopment had become apparent. Member states had sought to collectively address the problems relating to development in Africa at least since the 1980 OAU-backed Lagos Plan of Action for the Economic Development of Africa (The Lagos Plan of Action). The Lagos Plan of Action aimed to increase the self-sufficiency of African economies and to better the terms of international trade, specifically with the West, for African countries. This ultimately failed to be implemented, as the World Bank



published the Berg Report in response taking a radically different approach to African development than the Lagos Plan. Instead of increased self-sufficiency, it advocated for further trade liberalization and unlike the OAU document, it blamed African leaders, not the international community, for Africa's dismal economic situation. These developments intensified the negotiations for deepening continental integration which ultimately resulted in the creation of the AU.

The second, and more recent, challenge confronting African states is that of globalization. Traces of globalization are ubiquitous in today's world. Multinationals like the Coca Cola Company have devised clever mechanisms to market their products to even the most remote corners of the globe, and the falling costs and increasing availability of communications and information technology continue to decrease the barriers to the creation and maintenance of social relationships that are both local and distant. Simultaneously, four decades of neoliberal economic policy have brought about the continuous integration of national markets into the global capitalist economy through increased international flows of goods, services, capital and labor. In an increasingly interconnected world with said globalizing processes at play, states are often caught between domestic and international demands. On the one hand, the twentieth century and the first two decades of the twenty-first century have tended toward international integration. On the other hand, protectionism among nations states has risen, especially in the aftermath of the Great Recession,<sup>8</sup> and popular support for integration efforts has begun to decline in many places. The second half of the twentieth century has witnessed

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<sup>8</sup> Andrew Jones, *Globalization: Key Thinkers* (Cambridge, UK: Polity, 2010), 11.

the emergence of a multiplicity of regional economic and political integration agreements in addition to the establishment of the Bretton Woods institutions in 1944 and the World Trade Organization (WTO) in 1995. While the European Union (EU) is certainly the most prominent example among these as the most integrated regional organization to date, regional political and economic integration is a priority on the foreign relations agenda of many states worldwide. Examples include the North American Free Trade Agreement (NAFTA) and the Southern Common Market (MERCOSUR) in Latin America, as well as the Association of Southeast Asian Nations (ASEAN).

Across the diverse and rapidly decolonizing African continent, the desire for continental unity manifested itself first in the creation of the OAU in 1963 and later in its transformation into the AU in 2002. Because of the aforementioned failure of the OAU to achieve the kind of integration that would allow its member states to collectively confront the challenges that globalization and development posed, and to increase their influence in global affairs, member states began to seek new ways to foster integration. The 1990 Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World announced that OAU member states believed that the forces of globalization were affecting Africa and that the precarious political and socio-economic situation on the continent should be addressed through integration that would foster peace and enhance development. Ultimately, the AU was established to give new momentum to the aspirations to find solutions to the challenges of development and globalization that had not been found at the OAU.

While in the light of continuing globalization, this kind of regionalism is often viewed as a mechanism to advance the interests of countries within a given geographic region in global governance,<sup>9</sup> the AU so far appears to have displayed a limited impact on global international relations in the fourteen years of its existence despite the ambitious agenda that had led to its inception. In addition, the African continent continues to face challenges that affect the performance of the AU and its constituent regional economic communities (RECs), raising the question whether there can be meaningful advances in economic and political integration in Africa as long as peace, stability, democratization, and development do not advance.

Against this broad backdrop, this thesis examines the state of the African Union in the context of globalization and analyzes the reasoning for, and challenges to, African regional and continental integration vis-à-vis the rest of the world. It seeks to answer the following questions:

- What are the imperatives for, and obstacles to, further integration at the AU?
- What lessons can the European integration experience provide for the AU?
- What are the achievements of African regional and continental integration to date?
- What are the prospects for future integration in Africa?

In order to answer these questions, I first review the pivotal concepts related to this study in Chapter 1. Secondly, I provide an overview of the history of international integration

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<sup>9</sup> Arie Kakowicz, "Regionalization, Globalization, and Nationalism: Convergent, Divergent, or Overlapping?," *Alternatives: Global, Local, Political* 24(4) (1999): 530, doi: 10.177/030437549902400405.

in Africa in Chapter 2. Chapter 3 addresses the question whether European integration can or should serve as a model for integration in Africa. It considers the similarities and differences between the EU and AU, assesses the achievements and shortcomings of European integration, and, finally, outlines the lessons that the European experience has to offer for the AU. Chapter 4 provides a discussion of the achievements and shortcomings of the AU. Based on these four chapters, I assess the prospects for future integration on the African continent under the AU framework in the concluding chapter.

This work is based in part on interviews with experts on African integration conducted in Brussels and elsewhere during 2014. I conducted this while working on an independent research project on comparative regionalization in Africa and Europe during a semester of study abroad in The Hague, the Netherlands.. I approached potential informants, who included diplomats, academics and consultants, via email. I obtained interviews with an expert scholar researching the AU, as well as an African diplomat who formerly worked for the OAU, and at the time of interviewing held a diplomatic post in Brussels. The bulk of the other interviews used in this study were conducted in Addis Ababa in the summer of 2015. During this time, I was granted access to the AU headquarters, where I had opportunities to talk with permanent AU staff in various divisions. I moreover had the chance to interview diplomatic staff working in Addis Ababa. While I sought to obtain interviews with staff from the United Nations Economic Commission for Africa (UNECA), as well as the Pan-African Chamber of Commerce (PACCI), I was not able to secure appointments at these organizations while in Addis Ababa. All of my informants requested that I treat their identity with confidentiality.

# **Chapter 1.**

## **Concepts: A Literature Review**

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### **1.1. Introduction**

Any comprehensive study of international integration in Africa ought to consider the theoretical frameworks and historical context that inform the present of the AU. Otherwise, one risks mistaking the present condition of African integration as ahistorical and therefore overlooking the processes that have shaped its present state, as well as the underlying causes of some of the challenges it faces. Before turning to the specific history of international integration in Africa, this chapter discusses the five main concepts that inform this study of international integration in Africa. These are: globalization, integration, the state, power, and, finally, development. Below I review these concepts in relation to integration in Africa, and relate them to the African continent in general where appropriate.

### **1.2. Globalization**

The concept of globalization provides the overarching conceptual framework on which this study is based. Globalization has been on everyone's lips since at least since the 1990s, yet it represents one of the "most used but also one of the most misused ... and

confused words around today."<sup>10</sup> The globalization debate began to blossom in the late 1980s, when it was identified as a driver of social change worldwide by scholars such as Anthony Giddens and David Harvey.<sup>11</sup> Globalization scholarship has since evolved in different directions and within various scholarly disciplines, but with a general trend toward the defense of globalization arising during the 2000s, simultaneous with the emergence of anti-globalization movements in global civil society.<sup>12</sup> Although the debate about globalization remains relevant and heated, and a multitude of work has been published about it, there remains a lack of agreement among scholars and policymakers alike on what constitutes it. This disagreement about how globalization can be defined is rooted in part in disciplinary contexts and in part in the epistemological frameworks employed by scholars of globalization.<sup>13</sup> Still, and most broadly, globalization can be conceptualized as "the growing interconnectedness and interrelatedness of all aspects of society,"<sup>14</sup> but scholars in different disciplines provide distinct theories on the causes of globalization and the processes by which it occurs.

Roland Robertson, Anthony Giddens and Manuel Castells provide sociological perspectives on globalization. According to Robertson, globalization refers to "both the compression of the world and the intensification of consciousness of the world as a whole."<sup>15</sup> These processes involve a movement toward global sociocultural unicity that

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<sup>10</sup> Jones, *Globalization*, 4.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 10.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, 113.

<sup>15</sup> Roland Robertson, *Globalization: Social Theory and Global Culture* (London: Sage, 1992), 8.

diminishes the importance of territorial boundaries in human relations.<sup>16</sup> He identifies four elements that together compose what he terms the global field: nation states, individuals, international relations, and a consciousness of the common humanity of people.<sup>17</sup> The processes of globalization alter these distinct fields: nation-states become more internally diverse than they had been at their inception, individuals claim more complex identities, international relations expand across the entirety of the globe, and the consciousness of common humanity gives rise to debates on issues such as gender and sexuality.<sup>18</sup> Robertson rejects the idea that globalization has as a consequence the universalization of world culture. He writes,

the concept of globalization has involved the simultaneity and the interpenetration of what are conventionally called the global and the local, or - in more abstract vein - the universal and the particular.<sup>19</sup>

He thereby captures an important aspect of globalization that is often overlooked, namely that globalization not only homogenizes the economic, political and social spheres of societies worldwide, but that it also creates the heterogenization of the latter. In short, what becomes universalized is the experience of particularity in an increasingly interconnected world.

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<sup>16</sup> William Coleman and Alina Sajed, *Fifty Key Thinkers on Globalization* (London: Routledge, 2013), 170.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid, 171.

<sup>19</sup> Mike Featherstone, Scott Lash and Roland Robertson, *Global Modernities* (London: Sage, 1995), 30.

Giddens has defined globalization as “the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa.”<sup>20</sup> To him, globalization represents not so much a historical rupture that initiated a new epoch, but rather an accelerated continuation of modernity.<sup>21</sup> Modernity, according to Giddens, has produced three important processes which have radicalized to form globalization. Firstly, it has brought about the separation of space and time through the introduction of time measurement. Secondly, social relations have been lifted out of local contexts of time and space. Lastly, social practices are reconfigured in a reflexive relationship with novel information.<sup>22</sup> Giddens, too, identifies four elements of globalization, namely the nation-state system, world capitalist economy, world military order, and the international division of labor.<sup>23</sup> Unlike Robertson’s socio-cultural approach, Giddens focuses on institutional effects of globalization, whereby his four key features of modernity - surveillance, military power, capitalism, and industrialism - are applied to a global scale to become the aforementioned four elements of globalization.

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<sup>20</sup> Anthony Giddens, *The Consequences of Modernity* (Stanford, Calif.: Stanford University Press, 1990), 64.

<sup>21</sup> Jones, *Globalization*, 38.

<sup>22</sup> Coleman and Sajed, *Fifty Key Thinkers on Globalization*, 103.

<sup>23</sup> Giddens, *The Consequences of Modernity*, 71.



To Castells,

globalization is the process by which human activity in its different dimensions becomes selectively and asymmetrically organized in interactive networks of performance that function on a planetary scale in real time.<sup>24</sup>

Like that of Robertson and Giddens, Castells' understanding of globalization thus involves a change in the relationship between space and time but Castells specifically identifies the emergence of modern information and communications technology as globalization's ultimate cause. He firstly argues that information and communications technology has shifted the predominant mode of economic production from industrial capitalism to informational capitalism beginning in the 1970s.<sup>25</sup> Although industrial production continues to exist alongside that of informational capitalism, the latter has increased the interpenetration of different locales of production.<sup>26</sup> Moreover, industrial capitalism implies an increasing importance of human capital intensive goods in international trade, which has produced a new global North-South division of labor between the "knowledge-rich" North and the "knowledge-poor" South.<sup>27</sup> Castells further ascribes a pivotal importance to the growing integration of global capital markets,<sup>28</sup> and argues that in the context of informational capitalism, "states shift their attention away from social protection to promoting competitiveness in the global economy."<sup>29</sup> Secondly,

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<sup>24</sup> Manuel Castells, "Globalization, Flows, and Identity: The New Challenges of Design," in *Reflections on Architectural Practice in the Nineties*, ed. William S. Saunders (New York: Princeton Architectural Press, 1996), 198.

<sup>25</sup> Coleman and Sajed, *Fifty Key Thinkers on Globalization*, 54.

<sup>26</sup> *Ibid*, 57.

<sup>27</sup> Jones, *Globalization*, 62.

<sup>28</sup> *Ibid*.

<sup>29</sup> Coleman and Sajed, *Fifty Key Thinkers on Globalization*, 57.

information and communications technology has created what Castells terms a network society, whereby horizontal networks of people have gained importance over vertical organizations and can flexibly operate on a global scale in real time, leading to the changing of social structures and the reshaping of culture.<sup>30</sup>

Moving from sociology to the field of economics, Joseph Stiglitz and Dani Rodrik provide alternative frameworks of globalization that also address its implications for global political economy. Stiglitz defines globalization as

the closer integration of the countries and peoples of the world which has been brought about by the enormous reduction of the cost of transportation and communication, and the breaking down of artificial barriers to the flow of goods, services, capital, knowledge, and (to a lesser extent) people across borders.<sup>31</sup>

In his view, globalization is not an inherently good or bad process. Rather, it has been dominated by powerful developed states that have continued to shape its processes in ways that are advantageous to them and their corporations, thereby preventing globalization's "potential to do enormous good"<sup>32</sup> from materializing itself and alleviating poverty in less developed countries. He further argues that as a result of the political power of developed states, the global governance institutions regulating the global economy, primarily the IMF and the World Bank, have become preoccupied with neoliberal market fundamentalism, alternatively known as the Washington Consensus.<sup>33</sup>

Based on the assumption that markets are infallible, these institutions adopted neoliberal

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<sup>30</sup> Ibid, 59.

<sup>31</sup> Joseph Stiglitz, *Globalization and its Discontents* (New York: W.W. Norton, 2002), 9.

<sup>32</sup> Stiglitz, *Globalization and its Discontents*, 20.

<sup>33</sup> Jones, *Globalization*, 153.

policies towards struggling developing countries that either advocated for, or, in the case of structural adjustment programmes (SAPs), imposed, fiscal austerity, privatization, and liberalization. Stiglitz argues that fiscal austerity was socially disruptive to the point of prompting conflict, privatization was carried out too speedily to produce positive effects, and liberalization was taken too far, so that the development of weak economies was compromised because a lack of capital and entrepreneurial capacity prevented them from reaping the potential gains from trade.<sup>34</sup> To make globalization work for the world's poor, Stiglitz argues, institutions of global economic governance must undergo comprehensive reform in favor of less developed economies.<sup>35</sup>

A political economist, Rodrik bridges the disciplinary gap between politics and economics in the globalization debate. Although Rodrik's concept of globalization is based primarily on economic considerations, and he considers capitalism to be inseparable from globalization,<sup>36</sup> his work resonates with Castells' view that globalization shifts states' policy focus outward to competitiveness in the world economy. Rodrik emphasizes the relationships between states, globalization, and governance. He defines two types of globalization - "hyperglobalization" and "moderate" globalization - which can be distinguished by the degree of agency that international trade agreements leave states with to pursue domestic policies.<sup>37</sup> Hyperglobalization is becoming increasingly more common as the scope of international integration agreements is expanding to

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<sup>34</sup> Ibid, 154-155.

<sup>35</sup> Joseph Stiglitz, *Making Globalization Work* (New York: W.W. Norton, 2006), 83.

<sup>36</sup> Dani Rodrik, *The Globalization Paradox* (New York: W.W. Norton, 2011), 233.

<sup>37</sup> Coleman and Sajed, *Fifty Key Thinkers on Globalization*, 175.

include domestic policy areas.<sup>38</sup> Lastly, Rodrik introduces the model of the political trilemma of the world economy, according to which of deep international integration, the state as an independent territorial jurisdiction entity, and democratic mass politics merely two out of three can be realized at the same time.<sup>39</sup>

For the purpose of this study, and leaning on the works discussed in this section, I propose globalization to be the set of continuous economic, political and social processes that are caused by innovation in communications and information technology and that have as a consequence the simultaneous homogenization and heterogenization of all aspects of society.

### **1.3. Integration**

Integration, also referred to as international integration, most broadly refers to the process by which states enter into agreements with each other to create policy cooperation by adopting shared institutions and rules. Although integration can address any policy area, economic integration has historically been both most common and a frequent stepping stone towards political and social forms of integration. It can be defined as “an economic arrangement between different regions marked by the reduction or elimination of trade barriers and the coordination of monetary and fiscal policies.”<sup>40</sup> Regional integration may refer to either economic integration or regional political

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<sup>38</sup> Dani Rodrik, *The Globalization Paradox*, xvii.

<sup>39</sup> Dani Rodrik, “How Far Will International Economic Integration Go?,” *Journal of Economic Perspectives* 14(1) (2000): 181, doi: 101257/jep.14.1.177.)

<sup>40</sup> “Economic Integration,” Investopedia, accessed December 10, 2015, <http://www.investopedia.com/terms/e/economic-integration.asp>.

cooperation, or both. It must, however, occur between often adjoining states located within a supranational geographical region, as opposed to across great geographical distance.

The main theories of international relations, namely neo-liberalism, neo-realism, constructivism and neo-idealism, do not, or at least not fully, address the concept of integration, as a result of which particular theories of international integration have developed. The bulk of international integration theory originated in the context of European integration after the Second World War and has subsequently been applied to other regional contexts. This creates a fundamental theoretical problem for the study of non-European regional integration,<sup>41</sup> since even where scholars acknowledge the particularities of the region studied, non-European regional integration tends to be analyzed against the backdrop of the European experience.<sup>42</sup> In the African context, the characterization of the continent's integration regimes in comparison to the European model have frequently lead to the conclusion that they are weak.<sup>43</sup> Particularly in the African context, however, it can be argued that it remains instructive to consult theories of European integration, given that the AU has been modelled on the EU with regards to its goals and institutional design.<sup>44</sup>

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<sup>41</sup> Francis Baert, Philippe De Lombaerde, Frederik Soederbaum and Luk Van Langenhove, "Problems and Divides in Comparative Regionalism," in *Comparative Regional Integration: Europe and Beyond* ed. Finn Laursen (Farnham, Surrey, England, 2010), 27.

<sup>42</sup> Ibid, 28.

<sup>43</sup> Ibid.

<sup>44</sup> Olufemi Babarinde, "The EU as a Model for the African Union: The Limits of Imitation," *Jean Monnet/Robert Schuman Paper Series 7(2)* (2007): 9.

The most prominent among the specifically European theories, in a chronological order, have been federalism, functionalism, neo-functionalism, multi-level governance, and consociationalism. While federalists like Spinelli in the aftermath of World War II emphasized the need to avoid future war by integrating the governance of otherwise competing nation states, functionalists such as Mitrany believed that a shared need for technocratic governance of certain economic and social sectors would create institutions that in the long run gain legitimacy and promote international governance.<sup>45</sup> Neo-functionalist theories of integration, too, emphasize the integration of economic sectors; however, they add the idea that integrating strategic economic sectors that have a low political priority will create spillover effects to additional sectors and promote further institutionalization of integration. More recently, theories of multi-level governance have introduced the idea that states are not the only actors that link domestic politics and international governance. Instead, they advance the idea of multi-level policy-networks that involve states and non-state actors alike.<sup>46</sup> Lastly, advocates of consociationalism like Lijphart argue that entities with sharp internal divisions can successfully be governed through power-sharing between the elites of contesting groups.<sup>47</sup> While Lijphart's scholarship focuses mainly on power-sharing in divided states, there exist consociational

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<sup>45</sup> "Theories of European Integration," Europa Universitaet, accessed June 22, 2015, <https://www.kuwi.europa-uni.de/de/lehrstuhl/vs/politik3/Dokumente/lehre/europeanintegration/lecture5-1-2006theory.pdf>.

<sup>46</sup> Ibid.

<sup>47</sup> Dimitris Chrysochoou, *Theorizing European Integration* (London: Sage, 2001), 74.

interpretations of the European Union<sup>48</sup> that can be extended to regional integration regimes in Africa.

In addition to these Eurocentric theories, three groups of scholars working on integration globally have emerged more recently.<sup>49</sup> On the one hand, the neoliberal and institutionalist groups continue to employ the state and formal institutional actors as the primary unit of analysis in the study of integration. Neoliberal theorists, such as Friedrich von Hayek of the Austrian School and Milton Friedman of the Chicago School, advocate for the complete liberalization of trade, which they argue would increase overall welfare by harvesting the gains from trade. To neoliberals, the creation of regional trade blocs hence represents the second best scenario to the complete liberalization of world trade, since barriers to trade continue to exist between them.<sup>50</sup> The institutional approaches can be divided into three broad categories: historical institutionalism, rational choice institutionalism, and sociological institutionalism. First, in historical institutionalism, development is characterized by path dependency and unintended outcomes, and historical change is created at critical junctures, such as economic crises.<sup>51</sup> Second, rational choice institutionalism of integration places institutional actors at the center of analysis, whereby they have fixed preferences and will operate in ways conducive to their

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<sup>48</sup> Matthijs Bogaards and Markus M.L. Crepaz, "Consociational Interpretations of the European Union," *European Union Politics* 3 (2002): 357.

<sup>49</sup> Finn Laursen, "Regional Integration: Some Introductory Reflections," in *Comparative Regional Integration: Europe and Beyond* ed. Finn Laursen (Farnham, Surrey, England, 2010), 3.

<sup>50</sup> Henry Kyambalesa and Mathurin C. Hounnikpo, *Economic Integration and Development in Africa* (Aldershot: Ashgate, 2006), 14.

<sup>51</sup> Laursen, "Regional Integration: Some Introductory Reflections," 11.

attainment of the closest approximation of the latter.<sup>52</sup> Third, sociological institutionalism focuses on culture, values, identities, and ideas.<sup>53</sup> On the other hand, new regionalism theory has shifted analysis away from formal actors and toward ‘informal sectors, parallel economies, and non-state coalitions.’<sup>54</sup>

It is important here to make a conceptual distinction between international integration that occurs at the global level under the WTO framework, and regional integration regimes. Regionalism, as it occurs in Africa under the AU framework, can be defined as the tendency toward integration of the societies within a given supranational region.<sup>55</sup> In essence, it can be seen as globalization on a smaller scale and according to the economic, political and social particularities of the region in question. Regions, in this sense, can be considered intermediate communities between nation states and the global community. And while within regions, globalization-like processes of homogenization are at play, regionalism may simultaneously create heterogenization at the world scale by providing regional groupings of states with the opportunity to create communities vis-à-vis the globalizing capitalist economy.<sup>56</sup> Regions thereby exemplify heterogenization within a homogenizing global context.

More technically, the degree of economic integration between two or more states is commonly classified in six categories. First, preferential trade agreements constitute the loosest form of economic integration, and encompass a partial removal of trade

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<sup>52</sup> Ibid, 9.

<sup>53</sup> Ibid, 12.

<sup>54</sup> Ibid, 3.

<sup>55</sup> Kakowicz, “Regionalization, Globalization, and Nationalism,” 533.

<sup>56</sup> Ibid.



barriers between member states.<sup>57</sup> Second, free trade areas are distinct from preferential trade agreements in that they entail the removal of all barriers to trade between member states, but members maintain individual trade policies towards non-members.<sup>58</sup> Third, customs unions are free trade agreements with the addition of a common external tariff towards non-members, as well as harmonized external trade policies.<sup>59</sup> Fourth, common markets are customs unions in which the free movement of the factors of production, in particular capital and labor, is guaranteed.<sup>60</sup> Fifth, economic unions display a substantial coordination of economic policies and some unification of economic institutions in addition a common market.<sup>61</sup> Lastly, the most complete form of economic integration is the monetary union, in which members adopt a common currency and create a supranational central bank.<sup>62</sup>

In terms of institutional design, then, political integration is related to economic integration not only in that the two usually accompany each other, but also since a complete political union consists of a monetary union whose members centralize political institutions and begin to act if not as a quasi-state, then at least as a regional bloc.<sup>63</sup> Looser forms of political integration exist in the form of international policy cooperation that is customarily centered around specific policy areas, such as regional security, human rights, or natural resource governance.

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<sup>57</sup> Kyambalesa and Hounnikpo, *Economic Integration and Development in Africa*, 1.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

## 1.4. The State

(...) a major distinction between African international relations and those elsewhere is that so many of Africa's states are states in name only - legal entities that have failed to consolidate political power within the territories over which they are legally recognized authorities.

- Douglas Lemke

To understand the dynamics of regional and continental integration in Africa it is necessary to devote some attention to the concept of the state, as well as the history and properties of the state in Africa in particular. Much of the literature concerning post-colonial African politics is centered around an analysis of the state,<sup>64</sup> and given the predominantly interstate/intergovernmental nature of the AU and its constituent RECs, states continue to play a dominant role in the evolution and implementation of international integration agreements on the continent. Despite widespread consensus about the significance of the state for the study of contemporary African politics and international relations; however, "there is precious little agreement on its conceptual meaning or the interpretive implications of its analysis."<sup>65</sup> Much like the concept of globalization, the concept of the state has become so ubiquitous that its meaning is frequently assumed to be tacitly understood.

The origins of political philosophy concerning institutions of political rule in human communities can be traced back to antiquity, as can the beginnings of the

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<sup>64</sup> Patrick Chabal, *Power in Africa: An Essay in Political Interpretation* (New York: St. Martin's Press, 1994), 68.

<sup>65</sup> Ibid.

development of the modern state as a particular form of political organization. While some would advance examples such as the Greek polis or the Asante Empire as evidence for the worldwide existence of the state before the advent of modernity, Max Weber has argued that “the concept of the state has only in modern times reached its full development.”<sup>66</sup> This suggests that such pre-modern forms of political organization, even if they were state-like, lacked certain features that the modern state possesses. It is hence important to delineate these features and to arrive at a definition that places the concept of the state in the context of modernity.

Max Weber and Karl Marx provide two prominent theories of the modern state. Weber famously defined the state as “the form of human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory.”<sup>67</sup> He later added “an administrative and legal order subject to change by legislation”<sup>68</sup> as a defining feature of the state. Weber’s work emphasizes the territoriality and legitimacy of rule, as well as the bureaucratic depersonalization of political power that an institution of political rule must possess in order to be considered a state. Unlike Weber’s, Karl Marx’s theory of the state focuses less on the elements that compose a state than on its activities and purpose. According to Marx, the state is the instrument of political control by the economically dominant classes<sup>69</sup> over the rest of society. The features of a state are thus

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<sup>66</sup> Max Weber, *The Theory of Social and Economic Organization* (New York: Free Press, 2012), 156.

<sup>67</sup> Max Weber, “Politics as a Vocation” in *The Vocation Lectures* ed. David Owen and Stacy B. Strong (Indianapolis: Hackett Publishers, 2004), 33.

<sup>68</sup> Weber, *The Theory of Social and Economic Organization*, 156.

<sup>69</sup> Chabal, *Power in Africa*, 71.

determined by class struggle, which in turn is characterized by the development of the dominant mode of production of a society.<sup>70</sup>

Leaning on Weber and Marx, I define the modern state as the legitimate aggregation of collective power which translates itself into systems of governance over a particular territory and group of people. This definition includes Weber's notions of political legitimacy in the creation of state institutions, and that of the depersonalization of political power inherent in enduring systems of governance, as well as a Marxian understanding that the exercise of state power through its systems of governance is necessarily carried out by a group of people over the rest of society.

The state can then be understood to consist of four distinct but interrelated elements: a leader, a regime, an administration, and a commonwealth.<sup>71</sup> The element of the leader refers to the individual who is the head of state or government at any given point in time, a regime consists of the high-ranking executive officials surrounding the leader, the administration is composed of positions within a perpetual infrastructure, and finally, the commonwealth refers to a sense of common belonging, a solidarity between strangers that transcends networks of kinship.<sup>72</sup> The first three elements perform the functions that the state today is commonly assigned, namely the responsibility to protect, control over its territory, the legitimate use of violence, the collection of revenue and

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<sup>70</sup> Ibid.

<sup>71</sup> Abdi I. Samatar and Ahmed I. Samatar, *The African State: Reconsiderations* (Portsmouth, NH: Heinemann, 2002), 9.

<sup>72</sup> Ibid, 7-8.

provision of public goods, and the maintenance of general security,<sup>73</sup> while the fourth element serves as a source of legitimacy of the state. Lastly, its performance and legitimacy constitute the two determinants of the relative strength or weakness of the state.<sup>74</sup>

In historical perspective, the modern state has evolved as a form of political organization in Europe. Although a variety of forms of political organization existed in pre-colonial Africa, modern state organization was largely, though not exclusively, imported to the continent during the era of colonization.<sup>75</sup> Thus, conceptions of Westphalian sovereignty, too, were not widespread in African political systems before colonization, during which they were central to justifying land grabbing.<sup>76</sup> The signing of the Treaties of Westphalia in 1648 ended a number of major wars in Europe and established the sovereign state as the basic unit of the modern international political system.<sup>77</sup> The Westphalian understanding of sovereignty had at its core the principles of territorial integrity and strict non-interference in the internal affairs of a state, as well as the state's right to exercise external sovereignty, i.e. to enter international agreements freely and voluntarily.<sup>78</sup> In the African context, however, state borders after independence

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<sup>73</sup> Bertrand Badie and Pierre Birnbaum, *The Sociology of the State* (Chicago: University of Chicago Press, 1983), 105.

<sup>74</sup> Robert I. Rotberg, *Africa Emerges: Consummate Challenges, Abundant Opportunities* (Cambridge, UK: Polity Press, 2013), 71.

<sup>75</sup> Crawford Young, *The African Colonial State in Comparative Perspective* (New Haven: Yale University Press, 1994), 95.

<sup>76</sup> Helene Gandois, "Sovereignty as Responsibility" (paper presented at the annual meeting of the International Studies Association, March 26-30, 2008).

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

reflected the colonial partition of the continent more so than “the realities of community and accountability”<sup>79</sup> within the territories of the newly independent states. Combined with the establishment of Westphalian sovereignty as a cornerstone of African international relations by the OAU Charter in 1963,<sup>80</sup> this led to a series of nation-building attempts featuring opportunistic authoritarian leadership and a substantial amount of intra-state conflict over access to the state in the period from the 1960s to the 1990s.<sup>81</sup> As Basil Davidson has written, “the nation-statist project – the attempt to turn colonially formed territories into nation-statist territories – looks increasingly like a mistake [...]”<sup>82</sup> The African state since independence has appeared, at least on the surface, like the European state which it was modelled on, but functioned quite differently.<sup>83</sup>

Norms concerning state sovereignty have not been static, and are more complex today than the mere principle of non-interference in domestic affairs. Although state sovereignty continues to play a crucial role in international relations, and the state remains the primary, albeit not sole, actor in the international domain, there is a gradual breakdown of the distinction between domestic and foreign affairs.<sup>84</sup> As globalization creates greater interconnectedness between states and societies, “borders are increasingly

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<sup>79</sup> Chabal, *Power in Africa*, 69.

<sup>80</sup> Gandois, “Sovereignty as Responsibility,” 2008.

<sup>81</sup> Paul Nugent, *Africa Since Independence* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2004), 370.

<sup>82</sup> Basil Davidson, *The Black Man’s Burden: Africa and the Curse of the Nation-State* (New York: Times Books, 1992), 115.

<sup>83</sup> Chabal, *Power in Africa*, 69.

<sup>84</sup> Robert Cooper, *The Breaking of Nations: Order and Chaos in the 21st Century* (London: Atlantic Books, 2003), 31.

irrelevant for postmodern states,”<sup>85</sup> and global and regional integration regimes have created highly elaborate and legally binding systems of mutual interference in the internal matters of states. There has consequently been a breakdown of the strict protection of Westphalian sovereignty on the African continent as well. This paradigm shift was further accompanied by the emergence of responsibility to protect as a guiding principle in international relations, and the diminishing of international acceptance of the violent byproducts of nation-statist projects. The African state today is increasingly accountable to its partners in policy cooperation and integration, both regionally and internationally.

## 1.5. Power

That some people have more power than others is one of the most palpable facts of human existence. Because of this, the concept of power is as ancient and ubiquitous as any that social theory can boast.

- Robert Dahl

The concept of power is instructive for the study of African regionalism, since international integration necessarily involves a reconfiguration of the relations of power between local, national, and regional actors. Power has been considered extensively in social and political theory. Existing definitions of power are more operational than formal,<sup>86</sup> that is, they define power in terms of how it is derived and exercised rather than in terms of what it is. It is possible to identify a formal core within existing operational definitions of power, namely that, most broadly, power can be defined as the ability to

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<sup>85</sup> Ibid, 30.

<sup>86</sup> Robert Dahl, “The Concept of Power,” *Behavioral Science* 2(3) (1957): 202.

make someone else do something, even if this is against their will. Max Weber has thus defined power as “the chance of a man or of a number of men to realize their own will in a social action even against the resistance of others,”<sup>87</sup> while Karl Deutsch has defined the concept as “the ability to prevail in conflict and overcome obstacles”<sup>88</sup> in reference to Lenin’s famous “Who? Whom?”. Lenin’s question alludes to a Marxist understanding of power, according to which a limited amount of power in society is necessarily distributed in such a way that one group dominates over another

What the provided definitions have in common is a recognition that power necessarily involves a relation between people. Wherever there are human communities, power exists and is exercised, regardless of their level of development or whether the social and political organization of these communities appears rather hierarchical or egalitarian at first glance. Thus, “to understand politics is (...) to understand relations of power in their historical settings.”<sup>89</sup> To understand relations of power, however, it is necessary to first understand the different kinds of power, as well as how those in power derive it, and what the different ways in which it is exercised are.

Five different kinds of power can be identified: physical, economic, political, cultural or “soft”, and sticky power. Physical power refers to physical force, such as that exercised by the military and police. Economic power refers to the ability to achieve one’s ends through the accumulation and utilization of wealth. The exercise of economic

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<sup>87</sup> Scott Appelrouth and Laura Desfor Edles, *Sociological Theory in the Classical Era* (Thousand Oaks, Calif., Sage, 2005), 191.

<sup>88</sup> Karl Deutsch, “On the Concepts of Politics and Power,” *International Affairs* 21(2) (1967): 236.

<sup>89</sup> Chabal, *Power in Africa*, 5.



power is predominantly positive, that is, it involves economic incentives as a reward for complying with the demands of those exercising economic power, such as in the relationship between wage-paying firms and their laborers. Economic power can additionally be exercised negatively through the denial of the means of subsistence. Political power, on the other hand, is exercised mainly by way of negative incentives in the form of the threat or use of punishment when those actors over whom political power is exercised do not comply with the demands of those who possess it. Examples of political power include criminal procedures against those who break the law and sanctions against states who fail to implement binding international agreements. Cultural power is more abstract than the previously discussed forms of power in that it pertains to the ability to direct the dominant way of thinking in the arts and intellectual life of society. Sticky power, lastly, is a set of qualities that an actor possesses that motivates others to follow their lead voluntarily, such as states seeking accession to the European Union and consequently implementing domestic legal reforms to meet EU regulations even before accession is approved.

Max Weber has further distinguished between two broad categories of power on the basis of their legitimacy, namely coercive power and authoritative power.<sup>90</sup> While coercive power involves obtaining an end through mere force, authoritative power implies consent by those over whom power is exercised. Patrick Chabal, in a similar vein, has written that “where there is only force there is no power,”<sup>91</sup> and Karl Deutsch that

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<sup>90</sup> Ken Morrison, *Marx, Durkheim, Weber: Foundations of Modern Social Thought* (London: Sage, 1995), 283.

<sup>91</sup> Chabal, *Power in Africa*, 55.

“the voluntary or habitual compliance of the mass of the population is the invisible but very real basis of power for every government.”<sup>92</sup> Chabal further argues that although purely coercive power may occur in human societies, it cannot last as it is inherently self-destructive.<sup>93</sup>

This distinction in the literature between coercive power and legitimized power, which in its exercise may also involve some degree of coercion, is reflected in Gramsci’s notion of hegemony. Hegemony may thus be defined as the domination by one group of people over another that is not purely based on coercion but simultaneously involves consent.<sup>94</sup> The origin and nature of such consent is what Chabal terms political accountability, referring not to the perceived legitimacy of government but the processes by which power has historically been reproduced within any given political community. “Political accountability,” Chabal writes, “defines the framework within which the political legitimacy of rulers is assessed, the criteria by which they are judged.”<sup>95</sup> Rulers, and political elites more broadly, emerge from society and exercise power over the latter. Chabal has called this the hegemonic drive. Because hegemony implies a certain amount of coercion, and because dissent is natural in any political community, counter-hegemonic projects by actors not in control of the state and its institutions prevail at any given point in time. So long as the rule of an elite is based in more consent than

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<sup>92</sup> Deutsch, “On the Concepts of Politics and Power,” 233.

<sup>93</sup> Chabal, *Power in Africa*, 55.

<sup>94</sup> Antonio Gramsci, “The Modern Prince,” in *Selections from the Prison Notebooks* ed. Quintin Hoare and Geoffrey Nowell-Smith (New York: International Publishers, 1971), 161.

<sup>95</sup> Chabal, *Power in Africa*, 56.

coercion, however, such counter-hegemony does not lead to major reconfigurations of political systems.

Weber distinguishes between three sources of political accountability, which he alternately terms authoritative power: charisma, tradition, and rational legality. Charisma refers to personal qualities of leaders which compel others to follow them. Traditional authority is derived from custom, whereby power is reproduced in hereditary manner, such as in a monarchy. Rational-legal authority, lastly, is based in a universal rule of law that governs how power is reproduced and how it can be exercised. Talcott Parsons criticizes the dichotomy in the literature between coercive and consensual power, suggesting that instead of being discrete forms of power or related to each other in subordination, both coercive and consensual power are imperative but related to each other in more complex ways.<sup>96</sup>

In the African context, there have been two revolutions in political accountability, or, in other words, reconfigurations of power, namely the imposition of the colonial system and its abolition at independence.<sup>97</sup> While it is difficult to generalize across a continent as vast and diverse as the African one, precolonial forms of political organization in Africa can be said to have been characterized less by Weberian legal-rational and depersonalized conceptions of power, and more by a system of tribalism, that is, the politicization of kinship relations, whereby kinship was a decisive determinant of access to economic and political power. The concept of tribalism has

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<sup>96</sup> Talcott Parsons, "On the Concept of Political Power," *Il Politico* 28(3) (1963): 594.

<sup>97</sup> Chabal, *Power in Africa*, 58.

become a controversial one on account of misconceptions that originated from colonial perceptions of Africa, yet it deserves rehabilitation as a valuable category of political analysis in its own right, so long as one succeeds in avoiding treating it with a normative eurocentric lens. Tribalism, like most of political systems, has its own assets as well as liabilities that are worthy of consideration. Among its liabilities are the aforementioned distribution of positions of power by kinship relations rather than merit, the social expectation of unconditional mutual economic support among group members that Göran Hydén has famously termed the “economy of affection” and constrictive loyalty of individuals to their respective groups that can sabotage unity over larger territories. Its assets, on the other hand, include a strong sense of social solidarity and belonging, group consciousness, and mutual support between members of a group.

Basil Davidson has characterized precolonial relations of power on the African continent as contextually legitimate but profoundly misunderstood by colonial masters:

[...] most of these precolonial political formations were communities with a venerable past rooted in popular acceptance. In the public mind they were living realities; they were identities to which people strongly held. Dismissing them as the regrettable phenomenon of “tribalism” might comfort those, British or otherwise, who preferred to think of precolonial Africa as a kind of savage backwoods [...].<sup>98</sup>

Based on this categorization of African power relations as backwards and illegitimate, the colonial state established itself with either disregard for existing relations of power, or, as in the case of Belgian divisive ethnic policy toward Hutus and Tutsis in Rwanda, coopted them for its own purposes. Furthermore, “the power of the colonial state was not only

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<sup>98</sup> Davidson, *The Black Man's Burden*, 100.

absolute but arbitrary,”<sup>99</sup> and derived to a large extent from coercion. With the advent of independence, African leaders “would then embrace nation-statism as the only available escape from colonial domination”<sup>100</sup> and dismiss the prevailing ethnic diversity in their national polities as “just another hangover from an unregenerate past.”<sup>101</sup> This resulted in the reconfiguration of power relations in Africa into neo-patrimonial networks characterized by often violent inter-group struggle for access to the state as a source of wealth. Widespread corruption, as in many other locales globally, created the paradoxical situation that the political elites of some of Africa’s poorest countries boast some of the world’s superrich.<sup>102</sup> Rather than escaping the grip of colonial power through nationalism, many African states, under frequently poor leadership, have responded to the vulnerabilities created by colonialism through power-structures that benefit few at the expense of the citizenry. Since the institutions in African states are disproportionately weak and checks and balances relatively few or unenforced, leaders in Africa in fact have more, not less, power than their counterparts elsewhere.<sup>103</sup>

Because struggle over control of the state became a defining feature of power relations in Africa after independence, Jeffrey Herbst has argued that the implications of the shape and size of African countries might differ from the implications of geography on power in Europe. He writes,

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<sup>99</sup> Claude Ake, *Democracy and Development in Africa* (Washington, D.C.: Brookings Institution, 1996), 2.

<sup>100</sup> Davidson, *The Black Man’s Burden*, 99.

<sup>101</sup> Ibid.

<sup>102</sup> Rotberg, *Africa Emerges*, 91.

<sup>103</sup> Fred Swaniker, “The leaders who ruined Africa, and the generation who can fix it,” TED Video, October 2014, [https://www.ted.com/speakers/fred\\_swaniker](https://www.ted.com/speakers/fred_swaniker).

The nation-state rose to dominance in Europe largely because its unique ability to unite market and population under sovereign rule provided leaders in successive centuries with 'economies of scale' in military, economic, and political affairs that could not be achieved any other way.<sup>104</sup>

According to Herbst, African conditions privileged smaller rather than larger states<sup>105</sup> inasmuch as a smaller territory had as a consequence fewer challenges for the consolidation of power after independence. Relating to Davidson's argument on nationalism, tribalism and neo-patrimonialism, a smaller territory implies less diversity that needs to be accommodated as a part of any hegemonic project for the national consolidation of a state's territory. The way that power in African states, specifically in the territorially large ones, is exercised today resembles precolonial patterns: It is strong at the political core of a state but radiates out with decreased authority.<sup>106</sup> The most prominent difference between the exercise of power within African states today and during precolonial times is that unlike before the fixing of borders, the territorial boundaries of political formations in Africa was determined by the reach of their power, not vice versa.<sup>107</sup>

The question arises here whether closer integration in Africa along the vision of the early Pan-Africanists, such as Nkrumah, and the New Pan-Africanists, such as Mbeki, could constitute a third major reconfiguration of power on the continent. In Chabal's words, could there be a third political revolution in Africa? And if so, would it contribute

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<sup>104</sup> Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton: Princeton University Press, 2000), 141.

<sup>105</sup> *Ibid*, 140.

<sup>106</sup> *Ibid*, 171.

<sup>107</sup> *Ibid*, 252.

to a reconfiguration of power relations in favor of the citizenry and the accommodation of diversity?

## **1.6. Development**

The concept of development has proven to be a contentious one in both theory and practice. While the conventional definition of development, namely sustained economic growth that is accompanied by institutional transformation, would cause little disagreement among scholars and policymakers alike, the nature of these institutional transformations has been contested. Moreover, ideological disagreements as to how development can be achieved have historically characterized the development discourse, and international development policy has been criticized for promoting one-size-fits-all Western-style modernization without taking into account the particular contexts of developing countries.

Expanding on the broad definition provided above, development involves not only an increase in incomes, or economic growth, but also institutional transformation in the social, economic and cultural spheres. Amartya Sen sees these institutional transformations as the removal of unfreedoms that leave people without opportunities to exercise their agency, while according to David Apter, development is the expansion of alternatives available to individuals and collectives. Development, then, concerns four areas of society: the environment, the economy, political life, and cultural life. The environment provides the resources that economic growth is based in; however, it should only be exploited insofar as future potential for growth is not diminished significantly. In

the economic sphere, development aims at the creation of favorable material living standards. Development of the political life involves the creation of inclusive and strong institutions, the promotion of civic life, and participatory politics. Lastly, transformations in the previous three areas are accompanied by changes in the cultural life of a society. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), development, far from merely involving improvements in material living standards, “is a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence.”<sup>108</sup>

Historically, development in a sense did away with the idea of the inherent superiority of Europe, or, more broadly, developed countries, and instead advanced the idea that improvement in the human condition would not simply come about by organic social forces and economic processes but required the intervention by both the governments in developed and less developed countries in cooperation.<sup>109</sup> Based on this idea, global development policy and practice underwent a series of distinct phases. During the later part of the era of colonization, development was predominantly characterized by investment into the infrastructure of the periphery by the colonizing core.<sup>110</sup> During this time, development appeared to be a central idea in order for European

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<sup>108</sup> “Culture and Development,” United Nations Educational, Scientific and Cultural Organization, accessed February 28, 2016, <http://www.unesco.org/new/en/culture/themes/culture-and-development>.

<sup>109</sup> Frederick Cooper and Randall Packard, *International Development and the Social Sciences: Essay on the History and Politics of Knowledge* (Berkeley: University of California Press, 1998), 1.

<sup>110</sup> Alan Dixon, Etienne Nel and Tony Binns, *Africa: Diversity and Development* (Abingdon, Oxon: Routledge, 2011), 316.



states to be able to maintain their colonies, but on the contrary eventually proved pivotal to their conviction that they could give up colonies.<sup>111</sup> The 1950s, the years of the coming of independence on the African continent, were characterized by a development discourse that emphasized modernization and an increase in national incomes, but when results failed to materialize, the dependency school emerged in 1960s, arguing that Western-style development policy produced and reproduced economic dependence.<sup>112</sup> The response in the 1970s to these tendencies was a shift away from an emphasis on industrialization and national incomes, and toward an approach that focused on basic needs, prioritizing the work of non-governmental organizations over large-scale modernization projects.<sup>113</sup> Because developing countries worldwide, but especially on the African continent, continued to experience economic downturn into the 1980s, two opposing camps of development critics emerged: Ultra-modernists, on the one hand, believed that the rules and processes of economics have proven valid and that the invisible hand of the market allocates resources efficiently. Postmodernists, on the other hand, saw development discourse as an apparatus of surveillance and control.<sup>114</sup> The 1980s further witnessed the proliferation of SAPs as a neoliberal policy measure aimed at relieving the economic problems of developing countries that ran significant budget deficits. In the 1990s, the international community recognized that a new paradigm for

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<sup>111</sup> Frederick Cooper, “Modernizing Bureaucrats, Backward Africans, and the Development Concept,” in *International Development and the Social Sciences*, 64.

<sup>112</sup> Dixon, Nel and Binns, *Africa*, 324.

<sup>113</sup> *Ibid*, 329.

<sup>114</sup> Frederick Cooper and Randall Packard, *International Development and the Social Sciences: Essays on the History and Politics of Knowledge* (Berkeley: University of California Press, 1998), 2-3.

development was needed in response to the overall disappointing record of international development since its inception. While no one coherent global paradigm has emerged, focus has shifted toward initiatives such as the UN's Millennium Development Goals, as well as toward international economic integration as a means to create sustainable economic growth.<sup>115</sup>

Development is a continuous process of transformation that occurs in all societies regardless of their relative level of economic development as economic, political, social and cultural relations continue to evolve. The concept of development has, however, been especially important in Africa since independence as both underdevelopment and undevelopment continue to be a challenge to Africa's transformation. Underdevelopment refers to the process by which resources in a country are exploited for the benefit not of its own people but for that of more economically powerful countries. Historically, underdevelopment has occurred as the process of exploitation by developed countries of the resources of developing countries, both during and after colonization. Undevelopment, on the other hand, refers to the lack of exploitation of natural resource potential, be it known or yet undiscovered. The particular experience of colonization in Africa has, as scholars of the dependency school have argued, resulted in the integration of African countries into the global economy on unfair terms. The economies of African countries have under colonialism frequently been transformed from predominantly self-sufficient systems into economic systems that primarily rely on the production and export of few or even a single primary commodities. In some instances, such as for the

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<sup>115</sup> Dixon, Nel and Binns, *Africa*, 332.

production of cocoa in Ghana, colonial powers even introduced a commodity that had previously not been produced in the territory in question.<sup>116</sup> What these transformations had as their effect were the dependence of many African economies on the export of primary commodities and lack of economic diversification. This often resulted in long-term economic difficulties, such as currencies and national incomes being vulnerable to fluctuations in the global commodity prices, Dutch disease, and the kinds of extractive economic and political institutions that resource wealth incentivizes. Paul Collier has labelled a generous natural resource endowment a development trap for the poorest countries globally, together with conflict, being landlocked without reliable neighbouring states, and bad governance in small states.<sup>117</sup> Collier interestingly sees a small territory as a liability to economic development,<sup>118</sup> even though a small state size can bring about other advantages, such as the comparatively easier consolidation of political power as I have elaborated in the review of the concept of power in Chapter 1.5.

Collier's emphasis on conflict and leadership highlights the importance of political determinants of the relative success or failure of development in addition to economic and geographic factors. Claude Ake has gone so far as to contend that in Africa, "the problem is not so much that development has failed as that it was never really on the agenda in the first place,"<sup>119</sup> and that "[...] political conditions in Africa are

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<sup>116</sup> Ibid, 316.

<sup>117</sup> Paul Collier, *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About it* (Oxford: Oxford University Press, 2008), 5.

<sup>118</sup> Ibid, 64.

<sup>119</sup> Ake, *Democracy and Development in Africa*, 1.

the greatest impediment to development.”<sup>120</sup> Development, together with nationalism, replaced decolonization in its centrality on the political agenda of African leaders once the struggle for independence had been won. With their state-led approach to development, however, the first generation of postcolonial leaders in Africa actually reinforced the dependency of African countries, and centralized development programmes constituted an opportune way to exert control over distrusted civil society groups.<sup>121</sup> Development frequently became an ideology coopted for the production and reproduction of political domination, a means for leaders to stay in power.<sup>122</sup> Robert Rotberg emphasizes the importance of the quality of leadership for achieving desired development outcomes in Africa, “where institutions are unusually weak and democratic political cultures are as yet largely unformed.”<sup>123</sup> He makes the argument that imaginative political leadership with a long-term vision, as opposed to transactional leadership concerned merely with daily business, or worse, their own benefit, can successfully counteract impediments to development, such as resource dependence, unfavorable geography, and corruption.<sup>124</sup> The quality of leadership consequently constitutes an important piece in the puzzle of explaining why some African countries, such as Botswana and Mauritius, have significantly outperformed others, such as the DRC, in their developmental success.

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<sup>120</sup> Ibid.

<sup>121</sup> Frederick Cooper, *Africa Since 1940: The Past of the Present* (Cambridge: Cambridge University Press, 2002), 92.

<sup>122</sup> Ake, *Democracy and Development in Africa*, 3.

<sup>123</sup> Rotberg, *Africa Emerges*, 189-190.

<sup>124</sup> Ibid, 190.

With regards to international integration, the concept of development has been especially important in Africa, but has continued to play a role in other regional integration organizations worldwide. In the context of contemporary globalization, neo-liberalism has been one of the primary ideologies with regards to economic development since the 1980s, and especially since the fall of the Berlin Wall in 1989. The neo-liberal tendencies of economic globalization, however, have meant that "globalization today is not working for many of the world's poor,"<sup>125</sup> and "ideological market fundamentalism [...] produced a set of policies that were more hindrance than help in producing economic growth and development."<sup>126</sup> To neoliberals, the creation of regional trade blocs constitutes the second best blueprint for international development after a fully liberalized world economy in which, according to them, resources would be allocated in the most efficient manner, and overall welfare would be maximized.<sup>127</sup> This of course does not address concerns about equity, and the neoclassical development paradigm often ignores history and the structures it creates.<sup>128</sup> The central question regarding development and globalization, then, is whether international economic integration promotes economic development, or whether its competitive pressures cause developing countries to fall behind and place limits on the ability of states to provide public goods and act as welfare states.<sup>129</sup> Stiglitz has argued in this regard that in order to undo some of the disadvantages developing countries face in the globalized economy,

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<sup>125</sup> Stiglitz, *Globalization and its Discontents*, 214.

<sup>126</sup> *Ibid*, 153.

<sup>127</sup> Kyambalesa and Houngnikpo, *Economic Integration and Development in Africa*, 14

<sup>128</sup> Ake, *Democracy and Development in Africa*, 12.

<sup>129</sup> Jagdish Bhagwati, *In Defense of Globalization* (New York: Oxford University Press, 2004), 13.

they should receive special and differential treatment in terms of tariffs and that the developed world should open its markets but without conditionality or expectation of political or economic reciprocity.<sup>130</sup> Through its various integration efforts, the African international community has tried to reap such benefits of integration by increasing its domestic markets through integrating among each other, and thereby increase its economic bargaining power vis-à-vis the rest, but particularly the developed rest, of the world.

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<sup>130</sup> Jones, *Globalization*, 161.

## **Chapter 2.**

# **A History of Integration in Africa**

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### **2.1. Introduction**

The history of African integration in many ways can be traced back to the struggle against slavery in the United States and the Caribbean and the ideology of Pan-Africanism that it gave rise to. Early international integration in Africa was consequently deeply intertwined with the Pan-Africanist movement that first emerged from the African diaspora in the late nineteenth century. The very idea of a unity of Africa can be traced back to the emergence of Pan-Africanism and the work of W.E.B. DuBois, Marcus Garvey, George Padmore, C.L.R. James, and the like. For while, in Europe, five hundred years ago the rulers of two kingdoms geographically remote from each other might have easily seen themselves as a part of the same geographical space they called Christendom, this would not have been true anywhere on the vast and diverse African continent until the late nineteenth, or even early twentieth century. Where, then, did the idea of this vast place as a unified entity begin, and how did it lead to the creation of formal integration regimes that, albeit in evolving nature, persist in Africa to this day? This chapter seeks to provide a history of African integration that encompasses its major

organizations – beginning with the the OAU, followed by the AU, AEC, and RECs – from the inception of the idea of African integration to present.

## **2.2. The Organization of African Unity**

We have won the battle and we again rededicate ourselves in the struggle to emancipate other countries in Africa, for our independence is meaningless unless it is linked up with the liberation of the entire African continent.

- Kwame Nkrumah

On the African continent, the impetus for the formal international integration that manifested itself in the creation of the OAU in 1963 grew primarily out of the independence movement and Pan-Africanism as a political ideology, where early integration efforts after independence were largely political, although some regional economic groupings had been established on the continent under colonial rule already.<sup>131</sup> The idea of global unity among African peoples and peoples of African origin, albeit less formalized, had existed at least half a century before the advent of the institutionalization of continental unity in Africa. The origins of the Pan-Africanist movement can be traced back to the 1900 conference called by the Trinidadian lawyer Henry Sylvester Williams that was held in London to “protest stealing of lands in the colonies, racial discrimination and deal with other issues of interest to Blacks,”<sup>132</sup> and which later became known as the First Pan-African Conference. A number of influential figures, all members of the black diaspora in the Americas and the Caribbean, have influenced the movement in its early

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<sup>131</sup> Nugent, *Africa Since Independence*, 87.

<sup>132</sup> “The History of Pan Africanism,” Pan African Development and Advocacy Programme, accessed February 29, 2016, <http://www.padeap.net/>.



stages. Most notably, Edward Wilmot Blyden is widely considered to be the father of the philosophy of Negritude, while W.E.B. DuBois was the first theorist of Pan-Africanism, and Marcus Garvey had an influence on many of the early Pan-Africanists from the African continent, such as Kwame Nkrumah.<sup>133</sup>

This early Pan-Africanist movement was “an effort to unite the black race in the struggle for emancipation from racial discrimination, as well as from colonialism,”<sup>134</sup> and as such less concerned with political or economic integration of the kind that the AU practices today. Nevertheless, imprints of these notions of liberation from discrimination and foreign domination on integration in Africa are apparent even at present and after the official abolition of slavery, as well as the global end of colonialism, apartheid and racial segregation laws. For although in seeking complete integration of the continent, the AU has a mandate that transcends the fight against colonialism, the ultimate rationale for continental unity lies precisely in the fight against foreign domination in the forms of neo-colonialism and dependence. During the years of the First Pan-African Conference and the subsequent five Pan-African Congresses held outside of the African continent between 1919 and 1945, the Pan-African movement underwent a change from being driven predominantly by intellectuals from the diaspora toward inclusion of and leadership by prominent figures of the struggle for independence on the African

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<sup>133</sup> Mohammed Bedjaoui, “Brief Historical Overview of Steps to African Unity,” in *The African Union: Legal and Institutional Framework* ed. Abdulqawi A Yusuf and Fatsah Ouguerouz (Leiden: Martinus Nijhoff Publishers, 2012), 9.

<sup>134</sup> Mengiste T. Desta, *The Long March to African Unity: Achievements and Prospects* (Addis Ababa: Shama Book, 2013), 25.

continent.<sup>135</sup> Although the Pan-African Congresses were aimed at achieving equality for black people worldwide, and W.E.B. DuBois famously claimed the right for black people to self-determination at the first Pan-African Congress, the first four Pan-African Congresses, held in Paris in 1919, London in 1921 and 1923, and New York in 1927 were still dominated by intellectuals from outside of Africa.<sup>136</sup> The fifth Pan-African Congress, held in Manchester in 1945, in contrast was called for by Africans from Africa, and included among its participants Kwame Nkrumah from the Gold Coast (now Ghana), Wallace Johnson from Sierra Leone, Sourou-Migan Apithy from Dahomey (now Benin), and Jomo Kenyatta from Kenya.<sup>137</sup> Arguably, the coming together of leaders of the independence struggle on the African continent laid the foundation for the transformation of early Pan-Africanism into the africanized concept of Pan-Africanism that called for unity and integration of the continent in addition to the liberation from colonialism.

As decolonization gained momentum across Africa, the continent was left even more territorially fragmented than it had been under colonial rule, so that “the sheer viability of many of the constituent states was open to question.”<sup>138</sup> Following Ghana’s independence in 1957, the first generation of post-independence leaders in Africa saw regional integration as a way to overcome the challenges faced by the newly independent states on a balkanized continent. In 1958, the first Conference of Independent African States was held in Accra between delegates representing twenty-eight African countries

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<sup>135</sup> Ibid, 33.

<sup>136</sup> Bedjaoui, “Brief Historical Overview of Steps to African Unity,” 12.

<sup>137</sup> Desta, *The Long March to African Unity*, 33.

<sup>138</sup> Nugent, *Africa Since Independence*, 71.

and colonies, eight of them independent, to discuss the future of the continent. However, this early unity was complicated when a group of former French colonies joined the club of newly independent countries in 1960, and disagreement emerged over two key issues, namely the possibility of territorial reorganization on the continent, and the total liberation from European powers.<sup>139</sup> The second Conference of Independent African States, which was held in Addis Ababa in 1960, became known for dissent on the continent.<sup>140</sup> The conservative leaders of Cameroon, Congo-Brazzaville, Ivory Coast, Dahomey (Benin), Gabon, Upper Volta (Burkina Faso), Madagascar, Mauritania, Niger, the Central African Republic, Senegal, and Chad formed the Brazzaville bloc in 1960.<sup>141</sup> While they were not opposed to regional integration in itself, they rejected the immediate establishment of a United States of Africa and sought to maintain a close relationship with France.<sup>142</sup> In response to the Brazzaville bloc, the leaders of Algeria, Egypt, Ghana, Guinea, Libya, Mali, and Morocco formed the radical Casablanca Group in 1961<sup>143</sup> which was deeply committed to the struggle against imperialism and supported the formation of a United States of Africa. Later in 1961, the Brazzaville Bloc merged with the moderate leaders of Ethiopia, Libya, Liberia, Nigeria, Togo, Somalia, and Tunisia to form the Monrovia Group, which favored a loose federation of independent African states over a United States of Africa.<sup>144</sup>

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<sup>139</sup> Ibid, 100.

<sup>140</sup> Ibid.

<sup>141</sup> “Bank Group’s Evolution,” African Development Bank, accessed December 10, 2015, <http://www.afdb.org/en/about-us/corporate-information/history/group-evolution/>.

<sup>142</sup> Nugent, *Africa Since Independence*, 101.

<sup>143</sup> Ibid.

<sup>144</sup> “Bank Group’s Evolution.”

By 1962, it seemed unlikely that an agreement between the two camps regarding African integration would be reached, especially because there were significant divisions over the Congo Crisis and Patrice Lumumba. When, however, the UN rejected Tshombe as potential leader in August 1962,<sup>145</sup> the main source of disagreement between radicals and conservatives disappeared and integration negotiations gained impetus. Finally, Haile Selassie brought African leaders from the Casablanca and Monrovia groups together in Addis Ababa in 1963, where the OAU was founded on May 25th by the thirty three founding states, namely Algeria, Burundi, Cameroon, Central African Republic, Congo Brazzaville (Republic of Congo), Congo Leopoldville (now Democratic Republic of Congo), Dahomey (now Benin), Egypt, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika (now Tanzania), Tunisia, Uganda, Upper Volta (now Burkina Faso), and Zanzibar (now Tanzania).<sup>146</sup> In 1964, African leaders fixed the map of Africa by accepting colonial borders.<sup>147</sup> The remaining states on the continent joined the OAU as they became independent: Kenya in December 1963, Malawi and Zambia in 1964, the Gambia in 1965, Botswana and Lesotho in 1966, Mauritius, Swaziland and Equatorial Guinea in 1968, Guinea-Bissau in 1973, Angola, Cape Verde, Comoros, Mozambique, as well as Sao Tome and Principe in 1975, the Seychelles in 1976, Djibouti in 1977, Zimbabwe in 1980, Namibia in 1990, Eritrea in

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<sup>145</sup> Nugent, *Africa Since Independence*, 101.

<sup>146</sup> Martin Welz, *Integrating Africa: Decolonization's Legacies, Sovereignty and the African Union* (Abingdon, Oxon: Routledge, 2012), 3.

<sup>147</sup> Ibid.

1993, and South Africa after the victory against apartheid in 1994.<sup>148</sup> Western Sahara, albeit not independent, joined the OAU in 1982 as a result of which Morocco, which occupies its territory to date, left the union in 1984 and has not been readmitted since.

The trajectory of African integration has been since 1963 characterized by compromise between the two former camps in that although regional integration initiatives in Africa are plentiful, there has been continuous opposition to the relinquishing of state sovereignty to supranational institutions. Article 3 of the OAU Charter enshrined the principles of sovereign equality and territorial integrity of member states, as well as the strict adherence to the principle of non-interference in the internal affairs of member states.<sup>149</sup> It thereby halted the radical camp's ambitions for establishing a United States of Africa and obstructed the accomplishment of the objectives to promote unity and solidarity among African states and to improve the lives of African peoples listed in Article 2 of the same charter. The OAU became known at worst as an intergovernmental club of dictators, and at best as a continental organization that failed to address its continent's most pressing issues, such as the 1981 civil war in Chad.<sup>150</sup> The OAU remained intergovernmental with its main institutions being the Assembly of Heads of State and Government, The Council of Ministers, and the General Secretariat. While the OAU accomplished its objective of fighting colonialism and apartheid with the exception of the Moroccan occupation of Western Sahara, as well as that of protecting

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<sup>148</sup> "OAU/AU Treaties, Conventions, Protocols & Charters," African Union, accessed December 20, 2015, <http://www.au.int/en/treaties>.

<sup>149</sup> Charter of the Organization of African Unity, May 25, 1963, Art. 3.

<sup>150</sup> Nugent, *Africa Since Independence*, 105.

the sovereignty and territorial integrity of member states, it failed to foster meaningful economic or political integration on the continent. Considering that the focus of post-independence leaders throughout most of the OAU era lay primarily on nation-statism, the consolidation of political power, and state-led development within their territories, however, the OAU has arguably never set out create or implement any integration policies that would have involved a relinquishing of national power in favor of continental frameworks in the first place.

The failure of African leadership at the continental, or even regional, level to foster integration, collectively strive for solutions to the widespread problems on the continent, and to create systems of mutual accountability was mirrored in overwhelmingly poor leadership and policy domestically. By the 1980s at the latest, the hopes for development that had emerged after independence had chiefly disappeared with numerous African states running immense budget deficits and increasingly failing to provide essential public goods. The 1980s thus became known as “the lost decade” in Africa due to the severe economic problems, increased debt, falling tax revenues and reduced public spending.<sup>151</sup> The involvement of the Bretton Woods institutions via SAPs with hindsight proved to be a one size-fits all approach to recovery from economic crisis that worsened the overall economic situation in affected countries, and “in effect, Western donor institutions took over as Africa’s bankers.”<sup>152</sup>

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<sup>151</sup> Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: Free Press, 2005), 368.

<sup>152</sup> *Ibid*, 369.

The austerity measures thus imposed on African governments in the 1980s notably challenged the legitimacy of authoritarian leaders in many African countries,<sup>153</sup> since their mismanagement of the state was the ultimate cause of the crisis before and after the SAPs. Popular demand for more participatory governance rose, and paradigms concerning governance gradually began to shift on the continent. When what Samuel Huntington termed the third wave of democracy<sup>154</sup> brought about the collapse of the Soviet Union in 1991, there was a spillover effect and “over a period of five years, most of the one-party systems that had prevailed in Africa for a generation were dismantled.”<sup>155</sup> With Soviet support for African socialism elapsed, states across Africa transitioned away from authoritarian rule, but it was less clear what they were transitioning toward, as many of them remained caught in the grey zone between dictatorial rule and democracy.<sup>156</sup> While many observers began to speak of an “African renaissance” and authoritarian rule became less acceptable on the continent toward the new millennium, the achievements of the third wave of democracy in Africa remained limited and uneven. Nonetheless, during the last decade of the twentieth century, voices among African leadership grew louder to overhaul regional and continental integration regimes.

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<sup>153</sup> Nugent, *Africa Since Independence*, 372.

<sup>154</sup> *Ibid*, 369.

<sup>155</sup> Meredith, *The State of Africa*, 409.

<sup>156</sup> Thomas Carothers, “The End of the Transition Paradigm,” *Journal of Democracy* 13(1) (2002): 9, doi:10.1353/jod.2002.0003.

### 2.3. The African Union

An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena.

- African Union Vision

The time has come that we say enough and no more, and by acting to banish the shame, remake ourselves as the midwives of the African Renaissance.

- Thabo Mbeki

As we prepare to enter the 21st century and cognisant of the challenges that will confront our continent and peoples, we emphasise the imperative need and a high sense of urgency to rekindle the aspirations of our peoples for stronger unity, solidarity and cohesion in a larger community of peoples transcending cultural, ideological, ethnic and national differences.

- Sirte Declaration

The history of the OAU brings out the fundamental challenge of Pan-Africanism, namely whether it can be translated into effective continental institutions,<sup>157</sup> or whether ideas of solidarity and unity crumble when faced with the political and economic realities of Africa since independence. If Pan-Africanism is not only the ideology of liberation of blacks from slavery and racial discrimination that it initially emerged as from the African diaspora in the Americas and Caribbean, but represents also a “strategy for social solidarity, as well as cultural, political and economic emancipation”<sup>158</sup> among Africans in Africa, then a continental African organization ought at a minimum to strive to combat factors that threaten these objectives. It was in the context of acknowledging that the

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<sup>157</sup> Kay Mathews, “Renaissance of Pan-Africanism: The AU and the New Pan-Africanists,” in *The African Union and Its Institutions*, ed. John Akokpari, Angela Ndinga-Muvumba and Tim Murithi (Auckland Park: Jacana Media, 2009), 31.

<sup>158</sup> *Ibid*, 26-27.



OAU and the national leaders that had dominated it for most of its lifespan in fact perpetuated such threats to Pan-African objectives that a new generation of Pan-African leaders, lead by Thabo Mbeki, called for an African renaissance. This initiative was “born out of a deep desire to revive a marginalized and exploited continent ravaged by centuries of slavery, colonialism, neo-colonialism, exploitation, oppression, conflict and hunger,”<sup>159</sup> through the kind of integration the OAU had hitherto not attempted, or initiated yet not implemented: integration that generates African solutions to African problems and ensures their execution. With its emphasis on the concepts of unity and solidarity, the call for an African renaissance returned the question of what has the capacity to unite a billion people across a vast and vastly diverse continent. After all, if there is nothing that can unite Africans other than geography, the idea that integration can bring about African solutions to African problems is at best idealistic.<sup>160</sup> The African renaissance presupposes, just as Pan-Africanism had presupposed throughout its history, that Africa is united and capable of speaking with one voice despite its diversity,<sup>161</sup> and that the failure of the OAU to institutionalize African emancipation through African integration was caused primarily by a lack of commitment of African political leadership to good governance rather than an inherent implausibility of continental unity. The fundamental difference between early African Pan-Africanism and the new Pan-Africanism of the

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<sup>159</sup> Ibid, 25.

<sup>160</sup> Valery Ferim, “African Solutions to African Problems. The Fault line in Conflict resolution in Africa,” in *The African Union Ten Years After: Solving African Problems with Pan-Africanism and the African Renaissance*, ed. Oghenerobor B. Akpor, Phindil Lukhele-Olorunju, and Mammo Muchie (Oxford: Africa Institute of South Africa, 2013), 151.

<sup>161</sup> Ibid.

African renaissance advocated for by the new generation of Pan-Africanists in the 1990s and 2000s lies in the assertion that with regard to emancipation from colonialism and its effects,

African political and economic thought has been trapped in its own myths [...], it has been misused by dictators in countries such as Zimbabwe, Sudan, Guinea, Togo and Cameroon, who claim that the rest of the world has no business criticizing their human rights violations, stolen elections, and culture of corruption.<sup>162</sup>

The leaders that eventually brought the AU into being thus positioned themselves outside the previously prevailing paradigm of bad governance and created the new Pan-Africanism as a truly Janus-faced philosophy: continuously outward looking in its aspiration to fight the effects of colonialism and imperialism, yet looking inward with self-reflection at the factors beyond colonialism which have contributed to the dire political and economic condition of the continent after independence. These new leaders in a sense positioned themselves in opposition to the remainder of authoritarian leadership and dreamt up a reconfiguration of African integration that would target the perpetuation of human rights violations, stolen elections and the culture of corruption.

To understand why the OAU was transformed into the AU with the adoption of the Constitutive Act of the African Union in Lomé, Togo, in 2000, the following question must first be answered: What characterized the historical context that this new Pan-Africanism and the idea of African solutions for African problems emerged from? On the one hand, the transitions away from authoritarianisms that proliferated following

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<sup>162</sup> Ibid.

the collapse of the Soviet Union in 1991 fostered a culture of hope for participatory politics and improved domestic governance across Africa. On the other hand, these transitions coincided with the immediate aftermath of the economic crisis of the 1980s. This period was characterized by increased foreign involvement on the continent beyond the infamous SAPs. Often, foreign actors would become involved in the domestic affairs of economically viable countries, but beyond the SAPs, involvement in poor countries was perceived to be lacking by African leaders, as was exemplified by retreat of the international community from the international intervention in the Rwandan genocide in 1994.<sup>163</sup> External agendas, driven by global demand for African commodities such as oil and coltan, moreover continued to influence African international relations.<sup>164</sup> This challenged the credibility of the international development discourse of the time. And despite political transitions occurring domestically, the economic situation across the continent remained precarious in the 1990s. Between 1990 and 2002, Africa's share in world trade fell from 2.7 per cent to 2 per cent.<sup>165</sup> These events raised to question African domestic and regional policy at once. In the crisis years between the 1970s and 1990s, in fact, it was predominantly the UNECA that drove continental policy, such as through the creation in 1980s of the Lagos Plan of Action.<sup>166</sup>

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<sup>163</sup> Ibid, 143.

<sup>164</sup> Tim Murithi, "Introduction: The Evolution of Africa's International Relations," in *Handbook of Africa's International Relations*, ed. Tim Murithi (London: Routledge, 2014), 4.

<sup>165</sup> John Akokpari, "Dilemmas of Integration and Development in Africa," in *The African Union and Its Institutions*, ed. John Akokpari, Angela Ndinga-Muvumba and Tim Murithi (Auckland Park, Jacana Media, 2009), 98.

<sup>166</sup> Sabelo J Ndlovu-Gatsheni, "Decolonial Epistemic Perspective and Pan-African Unity in the 21st Century," in *The African Union Ten Years After: Solving African Problems with*

The historical context of this period therefore generated the desire to reinvigorate integration in two ways. Firstly, foreign involvement in African affairs continued to be perceived negatively on the continent, and African influence in global economic and political affairs remained negligible. Moreover, the modern world system that African countries had been incorporated into at independence persisted as one that perpetuates economic dependency and political conditionality, hampering the potential for African development. Pooling of influence presented itself as a mechanism to improve Africa's position in global relations. Secondly, as authoritarian rule became less acceptable, the leadership of many OAU member states changed, and critiquing domestic governance became somewhat more commonplace. Recognition followed that if the continent was to become more prosperous and powerful, domestic economic, political, and social problems had to be addressed first. A revised continental integration regime would accordingly allow the formulating of shared goals and developing of new mechanisms for mutual accountability.

The 1980 Lagos Plan of Action and the 1981 World Bank report "Accelerated Development in Sub-Saharan Africa: A Plan for Action", known better as the Berg Report, were among the first attempts to stimulate a transformation of the continent. They underscore the tension between the domestic and international causes of Africa's economic decline in the 1970s and 1980s. While the OAU-backed Lagos Plan of Action produced by the UNECA blamed the dire condition of many African economies on

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*Pan-Africanism and the African Renaissance*, ed. Oghenerobor B. Akpor, Phindil Lukhele-Olorunju, and Mammo Muchie (Oxford: Africa Institute of South Africa, 2013), 404.

remnants of colonialism and imperialism, the Berg Report identified domestic budgetary mismanagement and poor governance as the root causes of the crisis. By implication, the UNECA and World Bank proposed different remedies for the problem. The former advocated for increased economic self-sufficiency of the continent and improved terms of trade. The latter instead saw increased trade liberalization and integration into the global economy as the solution. The Lagos Plan of Action failed to be implemented in light of the economic situation on the ground and its criticism by the World Bank, and the tension between the two explanations of the crisis informed the transformation of the OAU into the AU. OAU member states had set up a committee for the review of the OAU Charter in 1979 already,<sup>167</sup> yet by the 1996 it was obvious that it possessed “an apparent lack of a sense of urgency.”<sup>168</sup> In the 1999 Sirte Declaration, member states thus proclaimed the coming establishment of an African Union, without, however, specifying whether it should exist alongside or instead of the OAU and the AEC. Plans to reconfigure the OAU were abandoned altogether with the adoption of the AU Constitutive Act in Lomé in 2000. With its entry into force in May 2001, following ratification by two-thirds of the member states, the AU was officially created to supersede the OAU.

The limited achievements of the OAU with regards to its objectives of deepening integration in Africa and improving the lives of African people, combined with the emerging shift in the governance paradigm, hence prompted African leadership to

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<sup>167</sup> “Organization of African Unity (OAU) / African Union (AU),” Department of International Relations and Cooperation (South Africa), accessed March 3, 2016, <http://www.dfa.gov.za/foreign/Multilateral/africa/oau.htm>.

<sup>168</sup> Maluwa, “The Transition from the Organization of African Unity to the African Union,” 30.

abandon the OAU altogether. In 2001, the AU superseded the OAU and the optimism of African leaders was evident at the AU inaugural summit in Durban in 2002.<sup>169</sup> The AU not only revised the OAU's insistence on sovereign self-determination and the principle of non-interference, it was also established to have more powers and institutions than the OAU. Most notably, the Constitutive Act of the African Union established a Commission, a Court of Justice, and the Pan-African Parliament in addition to some specialized committees and initiatives.<sup>170</sup> The AU furthermore consolidated the many regional integration initiatives that had developed on the continent by recognizing eight RECs in its Constitutive Act as the building blocks of the AEC, which had been established by the Abuja Treaty in 1991 and is meant to achieve complete economic integration by 2027.<sup>171</sup> I address the history of the AEC more fully in the following section.

With the transition from OAU to AU, the African political community underwent a paradigm shift in its norms surrounding state sovereignty and the principle of non-interference in the domestic affairs of states. The AU Constitutive Act diverges to a great extent from the OAU Charter in this regard. While the OAU was built around the strict principle of non-interference as outlined in the previous section, the AU Constitutive Act includes among its objectives the promotion of peace, security and stability on the continent,<sup>172</sup> and provides the "right of the Union to intervene in a

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<sup>169</sup> Nugent, *Africa Since Independence*, 369.

<sup>170</sup> Constitutive Act of the African Union, July 11, 2000, Art. 5.

<sup>171</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art.6.

<sup>172</sup> Constitutive Act of the African Union, July 11, 2000, Art. 3.f.

member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity.<sup>173</sup> This de jure change in practice creates normative pressures and exemplifies that the internal affairs of Member States matter to the union - a necessary precondition for future integration.

The Constitutive Act has moreover been amended in 2003 to include the possibility of AU intervention in a Member State upon a recommendation by the Peace and Security Council (PSC) if a “serious threat to legitimate order”<sup>174</sup> is present, or “to restore peace and stability to the Member State.”<sup>175</sup> The AU has thereby become the only regional integration organization that has granted itself the right to interfere in its member states in the case of instability or a coup d’état. Countries in which a coup d’état occurs are moreover immediately suspended from their AU membership, as was the case in Togo and Madagascar in 2009 and Niger in 2010.<sup>176</sup> AU troops have moreover intervened following coups d’état in Mali in 2012, and Togo and Mauritania in 2005.<sup>177</sup>

Since its inauguration in 2002, the AU has seen the development of four major initiatives: the New Partnership for Africa’s Development (NEPAD), the African Peace and Security Architecture (APSA), the African Peer Review Mechanism (APRM) and the African Governance Architecture (AGA). In the year of its establishment, the new Pan-African organization ratified NEPAD, which had been established by the OAU in 2001. A technical body of the AU, NEPAD aims “address Africa's development

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<sup>173</sup> Constitutive Act of the African Union, July 11, 2000, Art. 4.h.

<sup>174</sup> Protocol on Amendments to the Constitutive Act of the African Union, Art. 4.h.

<sup>175</sup> Constitutive Act of the African Union, July 11, 2000, Art. 4.j.

<sup>176</sup> Welz, *Integrating Africa*, 5.

<sup>177</sup> *Ibid.*

problems within a new paradigm.”<sup>178</sup> NEPAD represents an attempt to institutionalize Pan-Africanism via a strategic framework, but has also been criticised for being based on neoliberalism’s “unholy trinity” of liberalization, privatization, and deregulation.<sup>179</sup> Also in 2002, the AU adopted the Protocol on Amendments to the Constitutive Act of the African Union, which amended Article 5 of the Constitutive Act, thereby establishing the PSC. The PSC forms one pillar of the APSA, the other four pillars being the Panel of the Wise, the AU Peace Fund, the Continental Early Warning System and the African Standby Force. These four were established by the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, which came into effect in 2003 after adoption in 2002. The APRM is a voluntary review mechanism that seeks to ensure participating member states’ conformity with the values of the AU in the areas of political governance, economic governance, corporate governance and socio-economic development. It was created in 2003. The AGA was created in 2010 with the mandate to coordinate between the various AU bodies tasked with promoting good governance. It consists of three pillars: vision, institutional framework and processes of interaction between relevant bodies.<sup>180</sup>

The AU replaced the OAU with the ambitious goal of spearheading an African transformation in line with the idea of an African renaissance. It was created to promote

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<sup>178</sup> “History,” New Economic Partnership for Africa’s Development, accessed March 3, 2016, <http://www.nepad.org/history>.

<sup>179</sup> Sheila Bunwaree, “NEPAD and its Discontents,” in *The African Union and Its Institutions*, ed. John Akokpari, Angela Ndinga-Muvumba and Tim Murithi (Auckland Park, Jacana Media, 2009), 227-228.

<sup>180</sup> AU Official, interviewed by Elizaveta Bekmanis, July 31, 2015.



peace and security, accelerate and intensify integration, foster development, improve governance, and more. De jure, the AU has institutionalized the Janus-faced new Pan-Africanism that simultaneously aspires to change Africa's position in global relations and improve the lives of African people. The question, then, is to what extent this institutionalized Pan-Africanism is being implemented in practice. As one informant has pointed out to me,

the AU is certainly a stronger organization than the OAU, yet it would be wrong to say the AU and its commission have similar powers to that of the EU.<sup>181</sup>

## **2.4. The African Economic Community**

The African Economic Community was established in 1991 by the Abuja Treaty, which functions as a blueprint for the complete economic integration of African States by 2027. The AEC has these ultimate objectives:

- the liberalization of trade between member states through the abolition of tariffs and nontariff barriers<sup>182</sup>
- the harmonization of national policies affecting trade<sup>183</sup>
- the adoption of a common external trade policy<sup>184</sup>
- the establishment of a common market<sup>185</sup>
- the adoption of a common external tariff<sup>186</sup>

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<sup>181</sup> Scholar of African integration, interviewed by Elizaveta Bekmanis, January 2, 2015.

<sup>182</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.d.

<sup>183</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.e.

<sup>184</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.f.

<sup>185</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.g.

<sup>186</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.h.

- the removal of obstacles to the free movement of goods, services, persons and capital<sup>187</sup>
- the establishment of a Pan-African economic and monetary union.<sup>188</sup>

These objectives are to be achieved in six stages over a transitional period not exceeding thirty-four years<sup>189</sup> after the ratification of the treaty which occurred in May 1994. The duration of the first stage is set to five years with the goal of strengthening existing RECs and creating new RECs where they do not exist on the continent.<sup>190</sup> The second stage has as its objectives the stabilization of tariffs, non-tariff barriers to trade, customs duties and internal taxes,<sup>191</sup> the strengthening of sectoral policies between member states,<sup>192</sup> and the coordination of policies between the RECs.<sup>193</sup> This stage is set at eight years.<sup>194</sup> The third stage requires the eight RECs to each establish a free trade area and a customs union during a period not exceeding ten years.<sup>195</sup> The fourth stage then calls for the harmonization of tariff and nontariff systems over a period of two years.<sup>196</sup> The fifth stage requires member states to harmonize sectoral policies,<sup>197</sup> as well as the harmonization of monetary, fiscal and financial policies<sup>198</sup> during a period not exceeding four years.<sup>199</sup> In

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<sup>187</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 4.2.i.

<sup>188</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.f.ii.

<sup>189</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.1.

<sup>190</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.a.

<sup>191</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.b.i.

<sup>192</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.b.ii.

<sup>193</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.b.iii.

<sup>194</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.b.ii.

<sup>195</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.c.

<sup>196</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.d.

<sup>197</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.e.i.

<sup>198</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.e.iii.

<sup>199</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.e.

this stage, the principle of free movement of persons shall be applied. The sixth and last stage is set at a duration of five years<sup>200</sup> and has the following objectives relating to economic integration: the strengthening of the common market through the completely free movement of goods, services, capital and people;<sup>201</sup> the establishment of a Pan-African Economic and Monetary Union;<sup>202</sup> the creation of a central bank and introduction of a common currency.<sup>203</sup>

The legal relationship between the AU and the AEC remains ambiguous. The 2001 Constitutive Act of the African Union takes precedent over the Abuja Treaty and supersedes any of its provisions that are contradictory to the Constitutive Act.<sup>204</sup> However, this seems to be largely a precautionary provision since the Abuja Treaty is far more detailed with regards to economic integration. The relationship between the AU and the RECs is governed by the Protocol on Relations Between the African Economic Community and the Regional Economic Communities, which establishes an institutional framework for negotiations between the AU and the RECs, as well as among the RECs. These negotiations are somewhat informal and lack enforceable legal character. The continental framework for economic integration is consequently vastly ambitious in character and scope, and the timely attainment of the goals outlined in the Abuja Treaty is questionable, even though progress is being made among the eight RECs.

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<sup>200</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.f.

<sup>201</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.f.i.

<sup>202</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.2.f.ii.

<sup>203</sup> Treaty Establishing the African Economic Community, 1991, Art. 6.2.f.iii.

<sup>204</sup> Constitutive Act of the African Union, July 11, 2000, Art. 3.,2.

## **2.5. The Regional Economic Communities**

Eight RECs form the building blocks of the African Union and the African Economic Community: the Arab Maghreb Union (AMU), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC). In this section, I discuss their development and institutional framework.

### **2.5.1. The Arab Maghreb Union**

Attempts to integrate the Arab states of North Africa date back to the establishment of the Conseil Permanent Consultatif du Maghreb (CPCM) in 1964 between Algeria, Tunisia, Morocco, and Libya that had as its aim the harmonization of policy regarding development and interregional trade with the European Economic Community (EEC).<sup>205</sup> These plans never materialized, and the AMU was consequently established in 1989 by the Treaty of Marrakesh by the heads of states of Algeria, Tunisia, Morocco, Libya, and Mauritania. Although the hopes for political and economic integration in the North African region were high, progress has remained limited as controversy over the status of Western Sahara continues to define the relationship

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<sup>205</sup> “Union du Maghreb Arabe (UMA),” African Union, accessed December 10, 2015, <http://www.au.int/en/recs/uma>.

between Algeria and Morocco.<sup>206</sup> Since its inception, AMU has hosted a mere six summits of its heads of states, all between 1990 and 1994,<sup>207</sup> and North Africa remains one of the least integrated regions globally.<sup>208</sup> In light of the anticipated negotiations for the African Continental Free Trade Area (CFTA) planned under the AEC framework, a draft FTA agreement was signed and working group was set up in 2010 to develop a protocol on rules of origin in preparation for the creation of an FTA.<sup>209</sup> These rules of origin continued to be negotiated as this thesis was written.

### **2.5.2. The Community of Sahel-Saharan States**

CEN-SAD was established by Mali, Niger Chad, Burkina Faso, Sudan, and Libya under the leadership of Muammar Gaddafi in 1998 and became an REC of the AU in 2000.<sup>210</sup> Its current member states are: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Cote d'Ivoire, Djibouti, Egypt, Eritrea, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Libya, Kenya, Mali, Mauritania, Morocco, Niger, Nigeria,

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<sup>206</sup> “The Union of the Arab Maghreb and Regional Integration: Challenges and Prospects,” European Parliamentary Research Service Blog, accessed January 16, 2016, <http://epthinktank.eu/2014/01/16/the-union-of-the-arab-maghreb-and-regional-integration-challenges-and-prospects/>.

<sup>207</sup> “History,” Arab Maghreb Union, accessed December 12, 2015, <http://www.maghrebarabe.org/en/uma.cfm>.

<sup>208</sup> “ECA Supports Maghreb Countries on Rules of Origin,” United Nations Economic Commission for Africa, accessed December 12, 2015, <http://www.uneca.org/stories/eca-supports-maghreb-countries-rules-origin>.

<sup>209</sup> United Nations Economic Commission for Africa, *Assessing Regional Integration in Africa VI: Harmonizing Policies to Transform the Trading Environment*, Addis Ababa, 2013, 15.

<sup>210</sup> “CEN SAD,” African Union, accessed December 16, 2015, <http://www.au.int/en/recs/censad>.

Senegal, Sierra Leone, Somalia, Sao Tome and Principe, Sudan, Togo, and Tunisia.<sup>211</sup>

Given its comparably recent establishment and broad membership, CEN-SAD has not begun the process of the establishment of its FTA. Because all of its members have membership in at least one other REC, a CEN-SAD FTA would be impossible to implement, since it is not legally possible to adopt two differing external tariff regimes at once.

### **2.5.3. The Common Market for Eastern and Southern Africa**

The COMESA came into being with the establishment of a preferential trade area by the Treaty of Lusaka in 1981. Today, the COMESA is composed of the following nineteen member states: Burundi, the Comoros, the DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.<sup>212</sup> Although the implementation of both the COMESA free trade area and customs union are in progress, not all member states participate in them. Five member states, namely Ethiopia, Eritrea, Swaziland, the Seychelles and the DRC are not yet parties to the free trade agreement of the COMESA.<sup>213</sup> The implementation of the customs union has been complicated not only by the principle of variable geometry, but also by the problem of multiple membership. Kenya and Uganda were legally unable to join the COMESA customs union as they are already

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<sup>211</sup> “CEN-SAD - The Community of Sahel-Saharan States,” United Nations Economic Commission for Africa, accessed December 16, 2015, <http://www.uneca.org/oria/pages/cen-sad-community-sahel-saharan-states>.

<sup>212</sup> “About Comesa,” Comesa, accessed December 12, 2015, [www.about.comesa.int](http://www.about.comesa.int).

<sup>213</sup> Ibid.

parties to the EAC customs union.<sup>214</sup> Thus, the common external tariff which has been established for four separate product categories with customs duties ranging from zero per cent to twenty-five per cent is hardly implemented today.

#### **2.5.4. The East African Community**

The EAC was re-established by the 1999 Arusha Treaty<sup>215</sup> after the dissolution of the former East African Community in 1977<sup>216</sup> and is comprised today of the Republics of Burundi, Kenya, Rwanda, Uganda, and the United Republic of Tanzania.<sup>217</sup> The economic integration achievements of the EAC include the implementation of a common market and adaptation of a common external tariff scheme, as well as the harmonization of certain economic policies and technical standards.<sup>218</sup> Although the implementation of tariff reduction schedules is not entirely completed in all member states, the EAC has at least legally completed the third stage of African economic integration as set out by the Abuja Treaty, and all its members are parties to the common market and customs union which are fully in force.<sup>219</sup>

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<sup>214</sup> Richard Oppong, *Legal Aspects of Economic Integration in Africa* (Cambridge: Cambridge University Press, 2011), 64.

<sup>215</sup> “Overview of EAC,” East African Community, accessed December 12, 2015, <http://eac.int/about/overview>.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Oppong, *Legal Aspects of Economic Integration in Africa*, ?.

### **2.5.5. The Economic Community of Central African States**

The ECCAS was established in 1983 by the member states of the Central African Customs and Economic Union (UDEAC) and the Economic Community of the Great Lakes States (CEPGL), as well as Sao Tome and Principe and Angola, and subsequently replaced these two organizations. Its members are: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, and Sao Tome and Principe. The ECCAS FTA has been de jure launched in 2004, but not yet established de facto since reforms in the member states are awaited.<sup>220</sup>

### **2.5.6. The Economic Community of West African States**

The ECOWAS was established by the Treaty of Lagos in 1975. Its member states are: Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. Mauritania used to be a member, but withdrew in 2000. The West African Customs and Monetary Union (WAEMU) is comprised of a monetary union and a currency union for the ECOWAS member states. Participating states are: Benin, Burkina Faso, Cote d'Ivoire, Guinea-Bissau, Mali, Niger, Nigeria, Senegal, and Togo.

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<sup>220</sup> “The Potential Effect of the ECCAS Free Trade Area on Trade Flows,” Munich Personal RePEc Archive, accessed December 16, 2015, <https://mpira.ub.uni-muenchen.de/59863/>.



### **2.5.7. The Intergovernmental Authority on Development**

The IGAD replaced its predecessor, the Intergovernmental Authority on Drought and Development (IGADD), in 1996 in an effort to reinvigorate international cooperation in East Africa. The members of IGAD are: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda. While the IGADD had been created in 1986 as an organization to facilitate intergovernmental development and drought control policy, the IGAD has among its objectives cooperation in an expanded number of policy areas. Interestingly, one of its objectives is to promote and implement the objectives of the COMESA and the EAC. An IGAD FTA planned for 2009 was thus meant to be in harmony with the COMESA FTA, but has not yet been implemented.

### **2.5.8. The Southern African Development Community**

The SADC was created in 1992 to supersede the Southern African Development Coordination Conference (SADCC). The SADC is split into the community at large which is composed of fifteen member states, and the South African Customs Union (SACU), which was established in 1910 and is the oldest customs union in the world. The SADC has not yet reached the participation of all its members in its free trade area and customs union. The members of the SADC are Angola, Botswana, the DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, and Zimbabwe. Of these, Botswana, Lesotho, Namibia, South Africa, and Swaziland participate in the SACU. While the SACU is a completed free

trade area and customs union, the SADC is making progress on the establishment and implementation of a free trade area but not a customs union.

### **2.5.9. The Tripartite Free Trade Area**

According to the economic integration schedule set out in the Abuja Treaty, all RECs on the continent are supposed to each implement a free trade area and adopt a common external tariff by 2016,<sup>221</sup> while the deadline for REC mergers is less clearly outlined in the Abuja Treaty and merely envisions complete economic integration of the continent by 2027.<sup>222</sup> The problem of multiple membership and overlapping legal regimes in economic integration is especially prominent in Eastern and Southern Africa. The Tripartite Free Trade Area aims at reducing these ambiguities through harmonizing policies in the wider East and South African region. It was established between the COMESA, the EAC, and the SADC and launched in June 2015.<sup>223</sup>

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<sup>221</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.

<sup>222</sup> Treaty Establishing the African Economic Community, June 3, 1991, Art. 6.

<sup>223</sup> “Understanding the Importance of the Tripartite Free Trade Area,” Brookings Institution, accessed February 23, 2016, <http://brook.gs/1QEbkJ3>.

## **Chapter 3.**

# **Europe as a Model for Integration in Africa?**

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### **3.1. Introduction**

The previous chapter outlined the historical, institutional and legal evolution of continental integration in Africa from the decades that preceded the inception of the OAU to the present of the AU and its constituent RECs, as well as the AEC. Before turning to an assessment of the achievements and shortcomings of the AU in Chapter 4, an exploration of continental integration in Europe is instructive, since the EU constitutes the most complete example of regional integration worldwide. This chapter is hence devoted to this question: What lessons, if any, does the experience of continental integration in Europe provide for African continental integration? I begin by first outlining the reasoning behind and pitfalls of drawing comparisons between the EU and the AU. Secondly, I discuss the similarities and differences between the two organizations in terms of their history and institutions, followed by, thirdly, an analysis of the main achievements and shortcomings of the EU. Lastly, I outline the core lessons I have identified which the EU can provide for the future of the AU.

### **3.2. Reasons for and Pitfalls of Comparing Regional Integration**

First, it is important to consider what speaks for a comparative study of the AU and the EU, as well as the factors that demand a critical approach to such a comparison. As was discussed in the review of the concept of integration in Chapter 1.3, there exists a fundamental theoretical problem in the study of non-European regional integration. Despite the proliferation of a multitude of diverse regional integration agreements and organizations worldwide, such as NAFTA in North America, MERCOSUR in Latin America, ASEAN in Southeast Asia, and ANZCERTA in Australasia, to name only a few, international integration tends to be analyzed utilizing the Eurocentric conceptual frameworks that were developed against the backdrop of European integration. This fact leads to two specific theoretical problems for the study of non-European integration.

Firstly, the relative achievements and shortcomings of integration agreements and organizations are frequently measured by the standards of the achievements of European integration. Because the EU today boasts by far the deepest integration among the various regional integration agreements and organizations worldwide, encompassing a monetary union, an economic union, and a common market, albeit with varying patterns of membership in each, any non-European regional organization will inevitably appear either incomplete, such as NAFTA that as its name suggests is a free trade area only, or weak, such as ASEAN and the AU, where integration is ambitious *de jure* but implementation is slow and incomplete in practice.

Secondly, the very use of Eurocentric conceptual framework for understanding the reasoning behind and progression of regional integration is inadequate where regional integration arose out of a different logic than the ECSC in the context of the aftermath of the Second World War, and where integration followed a different legal and institutional progression than in the European case. Moreover, international integration regimes worldwide vary greatly in their functional scope, number of member states, as well as institutional setup, and further differ in their *raison d'être* which may range from economic gains to geopolitics and even the creation of new collective identities.<sup>224</sup> With these considerations in mind, the EU and the AU nevertheless warrant a cautious comparison given the apparent similarities between the organizations' institutional designs.

The EU and AU were born out of different historical moments and within vastly different economic, political, and social realities. On the one hand, the origins of formal European integration that led in 1992 to the signing of the Treaty of Maastricht that created the EU lie in the post-war efforts to prevent the resurfacing of hostilities between France and Germany through integrating their coal and steel sectors. The roots of the AU amidst the continental struggle for independence in the second half of the twentieth century, on the other hand, cannot be found in such an attempt at the pacification of interstate conflict. Although conflicts in Africa were plentiful in the period from 1951, when Libya became the first country on the continent to gain independence, and 1963, when the OAU was established, these conflicts did not predominantly occur between

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<sup>224</sup> Laursen, "Regional Integration: Some Introductory Reflections," 3.

independent African states. Rather, warfare in this period of African history can be classified as either wars of liberation between colonized countries and their colonizers, or civil wars.

Despite these vastly different realities of Europe and Africa at the respective time of the creation of the European Coal and Steel Community (ECSC) in 1951 and the OAU in 1963, the institutional makeup of the AU at the time of its establishment in 2001 was modelled after that of the EU to a great extent. In the eyes of many, among them also African politicians, the institutional design of the EU did not only provide a blueprint for the creation of the AU, but the “process and outcome of African integration must also follow the logic and trajectory of European integration.”<sup>225</sup> Taking into account the outlined differences in the initial logic that drove the first steps of integration in Europe and Africa respectively, a cautious comparative study of the AU and EU is thus further warranted by the very outlook of the creators of the AU on the EU despite the fundamental differences in the long term histories of the two integration efforts.

### **3.3. Similarities and Differences Between the European Union and African Union**

Here, I provide an analysis of the ways in which the EU and the AU are historically and institutionally at once alike and distinct. The specific similarities and differences between the EU and the AU both in terms of institutional design and institutional history necessitate consideration before any aspects of European integration

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<sup>225</sup> Maluwa, “The Transition from the Organization of African Unity to the African Union,” 38.

can be identified as instructive for integration at the AU. I have established the divergent economic, political, and social realities that initiated early European and African integration in the previous subsection. In addition, the two continents took divergent roads to arrive at the present condition of their respective continental organizations. These divergent paths over time were shaped by the history of the two continents and manifested themselves in institutional differences both in law and in practice.

### **3.3.1. Historical Similarities and Differences**

The AU and EU developed quite differently. Not only was the initial logic for integrating distinct on the African continent from that in Europe, European integration also evolved in an expanding manner, while African integration encompassed all independent African states from the start until the withdrawal of Morocco from the OAU in 1984 in response to the 1982 admission of Western Sahara as a member state of the OAU. In addition, European states generally adopted agreements for future steps in integration once previous steps were ratified and implemented, so that the de facto nature of European integration at any given period in time paralleled its de jure blueprint. This does not, however, mean that longer-term visions for future integration did not exist in European integration. Rather, long-term visions were translated into law gradually. During the OAU era, African integration can be said to have followed a somewhat similar pattern of progression, with twenty-one treaties, conventions, protocols and charters adopted between 1963 and 1998, as opposed to a staggering twenty-eight between 2001 and 2014 at the AU. Nevertheless, the trend of adopting ambitious legal

text prior to the complete implementation of previous legal obligations has its roots in the OAU era and has intensified during the AU years. Thus, the de jure stage of integration in Africa is far ahead of its de facto nature. Because I have provided the history of African integration in Chapter 1, I now briefly review the history of European integration to the extent that it is necessary to draw comparisons with the African integration experience.

The history of European enlargement stands in stark contrast to the establishment of the OAU by 32 states in 1963 and the immediate accession of an additional 20 states upon their independence. Similarly, the legal and institutional development of the EU followed a much more gradual path than that of African integration with its ambitious founding documents of 1963 and 2001 respectively. As previously stated, European integration was born out of the desire to put an end to the centuries old antagonisms and conflicts between France and Germany. To this end, French foreign minister at the time Robert Schuman proposed what became known as the Schuman Plan in 1950. The plan envisioned the integration of German and French coal and steel industries to induce cooperation and disincentivize conflict between the two states. On Schuman's recommendation, the 1951 Treaty of Paris established the ECSC. The ECSC had as its member states not only France and West Germany, but also Belgium, Italy, the Netherlands and Luxembourg. These initial six temporarily made up the core of European integration but the Treaty of Paris announced in its preamble that the ECSC was to be merely the first step to further integration in Europe.<sup>226</sup>

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<sup>226</sup> Treaty Establishing the European Coal and Steel Community, April 18, 1951.



European States saw closer political and economic integration as a way to further sustainable peace on the continent, and in 1957 the ECSC countries signed the Treaty of Rome establishing the European Economic Community (EEC) and Euratom.<sup>227</sup> In 1965, The Merger Treaty combined the ECSC, the EEC and Euratom into the EC, and merged their institutions into a single governance structure.<sup>228</sup> In 1973, Britain, Denmark, and Ireland joined the EC. Greece then joined the EC in 1981, followed by Spain and Portugal in 1986 after Franco's and Salazar's regimes had fallen. In the same year, the Single European Act was signed, furthering European integration through extending qualified majority voting, and extending the legislative powers of the EP.<sup>229</sup> It moreover set the objective for a single market to be established among member states by the end of 1992.<sup>230</sup>

As Europe became increasingly more economically and politically integrated, plans were being made for the establishment of an even more integrated union with a single market and common currency. In 1990, the European Monetary Union (EMU) was launched and exchange controls abolished, which completely liberalized the flow of capital in the EC. Two years later, the Treaty of Maastricht was signed and the EU thereby established. It further extended the legislative powers of the EP and qualified majority voting, thereby increasing the number of policy areas in which the EU acts as a

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<sup>227</sup> Elspeth Berry, Matthew J. Homewood and Barbara Bogusz, *Complete EU Law: Text, Cases, and Materials* (Oxford: Oxford University Press, 2013), 5.

<sup>228</sup> Desmond Dinan, *Europe Recast: A History of European Union* (Boulder: Lynne Rienner Publishers, 2004), 368.

<sup>229</sup> *Ibid*, 363.

<sup>230</sup> *Ibid*.

supranational rather than intergovernmental organization. The EU continued to expand. In 1995, Sweden, Austria, and Finland became part of the union. Simultaneously, economic and political integration was advancing and in 2002 the euro was introduced.

Following the collapse of statist orders in Eastern Europe between 1989 and 1991, the EU also began accession negotiations with formerly Soviet republics and other countries previously led by communist parties, leading to the enlargements of 2004 and 2007. In 2004, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia joined, followed by Romania and Bulgaria in 2007.<sup>231</sup> Popular support for further political integration of the EU in many member states had begun to decline after the 2004 enlargement, and the Treaty Establishing a Constitution for Europe (TCE), signed in the same year by twenty-five EU member states, failed to come into force despite eighteen ratifications after it had been rejected by French and Dutch voters in 2005. The Treaty of Lisbon was signed in 2007 as a compromise between eurosceptics and those who wished to advance integration. It came into force in 2009. Rather than establishing a single European constitution as the TCE would have, it amended the Treaty of Rome and Treaty of Maastricht and renamed them to become the Treaty on the Functioning of the European Union (TFEU) and Treaty on European Union (TEU). The Treaty of Lisbon “[met] the need to reform the structure of the EU and the

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<sup>231</sup> “European Neighbourhood Policy and Enlargement Negotiations,” European Union, accessed January 17, 2016, [www.europa.eu](http://www.europa.eu).

way in which it functions.”<sup>232</sup> In 2013, Croatia acceded the EU to become its newest member state.

### **3.3.2. Institutional Similarities and Differences**

In addition to divergent historical paths, the institutions of the AU and EU are distinct in their design and functioning despite certain similarities. Beginning with the institutional similarities between the two organizations, it becomes apparent how closely the superficial institutional design of the AU resembles that of the EU. Both organizations have a commission, a parliament, a court of justice as well as a court of human rights (although the European Court of Human Rights of course exists under the Council of Europe, the membership of which extends beyond the member states of the European Union). Moreover, each organization has two executive organs of which one is comprised of the heads of states and the other of national ministers, an economic and social committee, and a committee of permanent representatives.

In principle, then, the AU Commission (AUC) resembles the European Commission (EC), the Pan-African Parliament (PAP) resembles the European Parliament (EP), the African Court of Justice (ACJ) resembles the European Court of Justice (ECJ), the AU Assembly of Heads of State and Government resembles the European Council of the EU, the AU Executive Council resembles the EU’s Council of Ministers, the Economic, Social, and Cultural Council of the AU (ECOSOCC) resembles the EU’s Economic and Social Committee (ECOSOC), and, lastly, the AU’s Permanent

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<sup>232</sup> “The Treaty of Lisbon: introduction,” European Union, accessed February 28, 2016, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Aai0033>.

Representatives Committee resembles the EU's Committee of Permanent Representatives.<sup>233</sup> There are, however, important differences between these seemingly alike institutional designs. The above pairs of institutional organs do not necessarily possess the same functional scope in practice and unlike the EU, the AU is more intergovernmental than supranational. The most pronounced differences in functional scope of the two organizations' corresponding organs can be found between the two commissions, the European Council and the Assembly of Heads of State and Government, as well as the EP and PAP.

While as a staff member of the AU pointed out to me, "the AU Commission is still seen as the secretariat of the member states,"<sup>234</sup> the European Commission is inherently supranational in nature. Its staff members represent the interest of the EU, not that of their country of citizenship. The same informant expressed that although the design of the commission was to an extent a copy of the European model, the AUC was created without the same powers the EC possesses. As a result, it was quickly discovered that the AUC could not function in the way it was set up and discussion was consequently underway at the time of interviewing for streamlining the commission, that is, to restructure it to better respond to its tasks and pressures.<sup>235</sup> According to the informant, the draft plan for this was to be due in January 2016 but at the time of writing, no such plan was accessible online. Instead, the restructuring of the AUC was to be addressed by

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<sup>233</sup> Babarinde, "The EU as a Model for the African Union," 8-9.

<sup>234</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

<sup>235</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

the Executive Council at the AU Ministerial Retreat in Mekele, Ethiopia, on January 24, 2016.<sup>236</sup>

The European Council of the EU, too, is more supranational than the Assembly of Heads of State and Government. At the AU, heads of states and government must “take its decisions by consensus, or, failing which, by a two-thirds majority of the Member States of the Union.”<sup>237</sup> At the European Council, on the other hand, any decision that is taken during ordinary legislative procedure, under which approximately eighty per cent of EU legislation is adopted, is taken by qualified majority voting (QMV).<sup>238</sup> under this voting system, two conditions must be satisfied for a proposal to pass. First, fifty-five per cent, or sixteen out of twenty-eight of member states, must vote in favor. Secondly, the member states voting in favor must represent a minimum of sixty-five per cent of the total EU population.<sup>239</sup> Hence, while at the AU Assembly of Heads of State and Government consensus is the rule and majority voting the exception, the opposite is true of the European Council.

With regards to the parliaments of the EU and the AU, it is striking that at first, the PAP was established without full legislative powers and that its members are not directly elected by the citizens of member states, both of which have been true of the EP

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<sup>236</sup> “AU Ministerial Retreat of the Executive Council Brainstorms on the Implementation of Agenda 2063,” African Union, accessed January 8, 2016, <http://www.au.int/en/pressreleases/19598/au-ministerial-retreat-executive-council-brainstorms-implementation-agenda-2063>.

<sup>237</sup> Constitutive Act of the African Union, July 11, 2000, Art. 7.1.

<sup>238</sup> “Qualified Majority,” European Council, accessed January 8, 2016, <http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/>.

<sup>239</sup> Ibid.

since 1979. The AU is currently working to transform the PAP into a legislative body similar in nature to the EP. To this end, the PAP is given legislative powers by the revised Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament.<sup>240</sup> Until this protocol comes into force, however, the PAP will remain a consultative assembly instead of a legislative body like the EP.

### **3.4. Achievements and Shortcomings of European Integration**

What are the achievements of the EU and its predecessor organizations to date and how have challenges affected the performance of the EU and perhaps lead to shortcomings? The previous section provided the formal history of integration in Europe. To understand the lessons, positive and negative, that the European experience has to offer for African states, it is necessary to understand the achievements and shortcomings that the formal history of European integration has as its consequence.

#### **3.4.1. Achievements of European Integration**

Historically, the main achievement of the EU lies in its contribution to stability and economic prosperity on the European continent. The EU and its predecessor organizations have managed to create and maintain peace among its member states on a continent that had previously been shaken by centuries of warfare, although of course it must be contended here that this achievement is relativized by the small number of states participating in European integration at a given time. Thus, the conflicts in Cyprus in

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<sup>240</sup> “Overview,” Pan-African Parliament, accessed January 8, 2016, <http://www.pan-africanparliament.org/overview>.

1974, Croatia from 1991 to 1995, and Slovenia in 1991 occurred on the European continent but before these states sought accession to the EU.

The second, and quite technical, achievement lies in the degree of economic, political, and social integration that has been achieved and the effect this had on the lives of European citizens. The EU has successfully implemented a single market and guarantees the free movement of goods, services, capital, and labor. EU citizens today can seek employment in any member state without discrimination, many university students take part in the Erasmus exchange program, and for many, albeit not all, Europeans, nationals from other member states are no longer complete strangers. The EU is furthermore politically integrated in policy areas ranging from agriculture to criminal investigations and foreign policy. Thanks to the EU and its predecessors, Europe has therefore become a truly interconnected region not only for governments and firms but also for its citizens, and Europeans today are quite aware of the privileges and responsibilities that accompany their being a citizen not only of their home country but also the EU.

The third achievement relates back to peace, namely the EU's ability to exert sticky power over its applicants and new member states and thereby spread norms of democracy, good governance, and the rule of law. Accession negotiations to the EU presuppose a willingness of candidate states to implement the *acquis communautaire*, the union's set of legal standards for integrated policy areas. The incorporation of the formerly socialist countries and former Soviet republics in the 2004 and 2007 enlargement, as well as Croatia's recent accession, exemplify the EU's ability to fuel

democratization, economic development and the rule of law in neighbouring countries through integrating them into the union.

The final achievement of European integration that I would like to highlight here is the predominantly supranational nature of the EU today. While the intergovernmental European Council is responsible for setting the agenda of the EU, the European institutions that create and implement policy have autonomous powers and their decisions are legally binding for member states. In the European Council, decisions are taken by qualified majority voting rather than by consensus. The supranational nature of the EU is further exemplified by the fact that employees of the European Commission act in the interest of the union and not of the member state that they are citizens of. The creation and functioning of the ECJ further highlights this major achievement of the EU, since it is not only one of the most active regional courts, but also has jurisdiction over cases between individual European citizens and the member states. It is therefore a truly supranational institution that acts in the interest of the union and protects the rights that European citizens are granted by the treaties. As a consequence of its supranational nature, the EU constitutes a political entity that is more than just a secretariat for its member states. It has developed into an organization that in many ways acts in its own interests and protects these as they are defined in the treaties.

### **3.4.2. Shortcomings of European Integration**

Since the onset of the euro crisis, and possibly in the years before, the EU has experienced a series of challenges. One of the contemporary shortcomings of the EU lies



in the creation of the “fortress of Europe”, especially with regards to migration. The EU is experiencing a crisis at its gates as the plight of refugees intensifies and more and more migrants try to reach the EU by sea and land in order to apply for asylum. Frontex, the EU border protection agency, is under heavy criticism for surveillance technologies used to detect boats with migrants before they enter the territorial waters of member states, and there have been countless incidents of member states failing to help migrants in distress at sea.<sup>241</sup> 2015 saw the influx of over one million migrants into the EU and a total of 942,000 asylum claims made in its member states.<sup>242</sup> Despite its relatively high number of accepted asylum applications, 184,655 in 2014<sup>243</sup> compared to 66,986 refugees resettled into the US in the same year,<sup>244</sup> the EU continues to employ strategies to deter refugees from reaching its territory. Clearly, European states are focusing inward on internal challenges related to its regionalization rather than outward in this regard, but they need to take responsibility for what is happening at its borders and act in greater solidarity with its migrants.

The second contemporary shortcoming relates directly to the refugee crisis: xenophobia and right wing movements are on the rise in the union’s member states,

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<sup>241</sup> “Europe faces ‘colossal humanitarian catastrophe’ of migrants dying at sea,” The Guardian, June 2, 2014, <http://www.theguardian.com/world/2014/jun/02/europe-refugee-crisis-un-africa-processing-centres>.

<sup>242</sup> “Migrant crisis; Migration into Europe explained in seven charts,” BBC News, accessed January 29, 2016, <http://www.bbc.com/news/world-europe-34131911>.

<sup>243</sup> Ibid.

<sup>244</sup> “Fiscal Year 2014 Refugee Arrivals,” Office of Refugee Resettlement, accessed January 29, 2016, <http://www.acf.hhs.gov/programs/orr/resource/fiscal-year-2014-refugee-arrivals>.

putting in questions the very ideals of democracy, human rights, and the rule of law on which the EU was founded. Although xenophobic tendencies have existed in Europe before, the euro crisis and its devastating economic consequences, such as high unemployment,<sup>245</sup> have created an angry class of EU citizens that increasingly opposes integration and immigration. This is leading to an increased orientation inward and against all foreign, which is exemplified for instance by the violence against refugee accommodations and ongoing protests of the Patriotic Europeans Against the Islamization of the West (Pegida) movement in Germany. Although officially these protests are directed against the perceived islamization of the West, in practice the demonstrations have shown a xenophobic, racist, and homophobic tendencies.<sup>246</sup>

Thirdly, and again in relation to the previous two shortcomings, the EU is not managing to consolidate heterogenizing pressures from within as both popular and government support for the EU are falling. The democratic deficit present in the EU has been criticized for decades, and although efforts have been made to increase the involvement of EU citizens in EU governance, “the ultimate democratization is presented as a promise like the light at the end of the tunnel”, as Jurgen Habermas had put it.<sup>247</sup> Simultaneously, right wing and eurosceptic movements, such as the Alternative for Germany (AfD) party, the Jobbik party in Hungary, the National Front in France, and the

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<sup>245</sup> Anthony Giddens, *Turbulent and Mighty Continent: What Future for Europe?* (Cambridge, UK: 2013), 103.

<sup>246</sup> Kate Connolly, “Estimated 15,000 people join ‘pinstriped Nazis’ on march in Dresden,” *The Guardian*, December 15, 2014, <http://www.theguardian.com/world/2014/dec/15/dresden-police-pegida-germany-far-right>.

<sup>247</sup> Giddens, *Turbulent and Mighty Continent*, 41.

Party for Freedom in the Netherlands, are on the rise in many, if not most, member states. Their success is in many ways boosted by the rising antagonism caused by the refugee crisis as their anti-European plea to close the borders increases their popularity. While currently eurosceptics define themselves mostly in terms of what they are against and propose short-sighted policies but fail to articulate solutions to the challenges Europe faces or what they stand for, the EU must find ways to make itself more attractive to its citizens if it wants to successfully counteract these trends.

### **3.5. Lessons**

It appears nearly superfluous to state that the EU and the AU are at very different stages in the process of regional integration, and that therefore many of their respective current successes and challenges are particular to the context of their organizational circumstances. The European Union has achieved almost complete economic and political integration and must resolve problems that its integration has created, while the African Union has a multitude of problems to resolve before it can proceed with meaningful continental integration. Interestingly, the informants I interviewed at the AU headquarters in Addis almost exclusively also believed that the EU provides valuable lessons for the future of continental integration in Africa. Although informants recognized that the EU is experiencing a break in its integration trajectory, one informant stated that despite the challenges the EU faces, it is not failing in the eyes of AU staff. Rather, it is seen in Addis Ababa as a peaceful union that speaks with one voice, which

the AU aspires to become.<sup>248</sup> Another informant stressed that in their eyes, the EU was not disintegrating despite the economic crisis and the migrant situation.<sup>249</sup> Notwithstanding the shortcomings of the EU, and even though the EU and AU are located on different points of the spectrum from none to complete integration and have followed divergent paths to arrive there, the European experience has at a minimum five lessons to offer for those in charge of integration in Africa.

First, several informants have expressed to me that one technical area in which they believe the AU can learn from the European experience is the implementation of the principle of the free movement of people. An informant explained that the free movement of people is not only not implemented for the ordinary citizens of member states in many regions of the African continent, but that even AU staff cannot necessarily move freely between African states to pursue their work. While an AU passport that does not require a visa for travel to member states exists for AUC staff, it was not granted to other diplomats at the time of interviewing.<sup>250</sup> The same informant had to visit an embassy on the day of the interview to obtain a visa to travel to an AU member state for a meeting the following morning. In 2015 it was announced that an AU passport would in the future be available for all AU citizens as a part of Agenda 2063.<sup>251</sup>

Secondly, another informant praised the European Structural and Investment Funds, saying that it was an impressive and commendable achievement of the EU that it

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<sup>248</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

<sup>249</sup> AU Official, interviewed by Elizaveta Bekmanis, July 29, 2015.

<sup>250</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

<sup>251</sup> "African Union to Introduce an African Passport," This is Africa, accessed January 30, 2016, <http://thisisafrika.me/african-union-to-introduce-an-african-passport/>.

attempts to bring poorer members to the economic level of the union, and that the same is much needed at the AU.<sup>252</sup> A 2013 feasibility study conducted by the UNDP and the AU examined the possibility of such an African Integration Fund (AIF) and proposed a timeline according to which it would have commenced in the second quarter of 2015.<sup>253</sup> No proposal for the AIF has been adopted to date. The AIF in contrast to the European Structural and Investment Fund would not support development initiatives in member states but the financing of integration itself.

In addition to the above lessons identified by informants in Addis Ababa, further lessons can be drawn from the comparative study I have provided in this chapter. After all, even if African integration in practice often follows a different logic than European integration, the AU aspires to become much like the EU according to the AU staff I interviewed.

The third lesson thus relates to coping with shocks that rapid integration measures can create. One informant stated, “sometimes we see the EU and we want to jump through the steps the EU took between 1960 and now.”<sup>254</sup> While this desire to advance integration quickly is commendable compared to the overwhelming reluctance to integrate during OAU times, the European experience has shown that expedited measures can create adverse effects of a magnitude that threatens continental integration as a

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<sup>252</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

<sup>253</sup> “African Integration Fund (AIF) Draft Feasibility Study,” African Union, accessed March 1, 2016, [http://www.au.int/en/sites/default/files/newsevents/workingdocuments/12582-wd-integration\\_fund\\_full\\_study.pdf](http://www.au.int/en/sites/default/files/newsevents/workingdocuments/12582-wd-integration_fund_full_study.pdf).

<sup>254</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

whole. Specifically, the 2004 and 2007 enlargements and the subsequent accession of the new members to the Schengen Area have contributed to the rise of anti-European movements in European states. In the case of the AU, of course, it is not enlargement that could create these shocks, since all African states except for Morocco are member states at present. This lesson rather applies in the African context to the disruptive effects inherent in the phase immediately after the implementation of economic integration measures.

Fourthly, European integration provides valuable lessons relating to popular participation in the integration process. The threat to the continuation of integration at the EU from the very citizens of its member states is related directly to the democratic deficit in the EU, but in two distinct ways. Firstly, the ongoing perceived deficiency of channels for democratic engagement in the affairs of the EU has contributed to the anger of the political right. Secondly, because the EP is directly elected and composed of independent European political parties, such anger has manifested itself in the success of anti-EU political parties in the legislative body of the EU. The AU at present is much less directly democratic than the EU. In those member states that do have a functioning democratic political system, citizens may indirectly influence AU policy through electing their national governments, but such influence is diluted to an extent where it can hardly be conceptualized as democratic. The AU has important lessons to learn about the reconfiguration of power from a national to a continental level and the design of democratic involvement in continental affairs. The AU therefore must ensure the establishment of means for democratic participation at the continental level by following

through with the implementation of full legislative powers for and direct elections to the PAP if it wants to avoid the same popular criticism the EU has received. Yet, the European experience should also raise caution about the combination of unpopular policies and directly democratic institutions. Decisionmakers at the AU must decide when the organization will be ready to transform itself into the democratic Pan-African entity it seeks to become and how this will be achieved.

A final lesson, technical and yet important, that the EU has to offer for the AU relates to the consolidation and regular updating of EU treaties and the resultant legal and practical simplification of the functioning of the union. As outlined in Chapter 3.3.1, the first such simplification occurred in 1965, when the Merger Treaty consolidated the institutions of the ECSC, EEC, and Euratom. In a similar vein, the Treaty of Rome that had established the EEC in 1957 was renumbered and renamed the Treaty Establishing the European Community (TEC), and subsequently became the TFEU with the coming into force of the Treaty of Lisbon in 2009. The Treaty of Lisbon further transformed the 1992 Treaty of Maastricht into the TEU. The amendments of these two constitutional documents of the EU were made in the light of the failed TCE and in response to changes taking place on the European continent. According to the EU law website, “successive enlargements have increased the number of EU countries to 28. It was therefore necessary to adapt the way the European institutions function and how decisions are taken.”<sup>255</sup> The lesson for the AU to be drawn from these processes is bipartite: Firstly, as the EU evolved and the political context of European relations changed, the EU reformed

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<sup>255</sup> “The Treaty of Lisbon: introduction.”

itself to meet the legal and institutional demands of the time. The AU has undergone similar processes of adaptation since its inception. These include the ongoing talks for streamlining the AUC mentioned in Chapter 3.3.2, the adoption of the Protocol on Relations between the RECs and the AU aimed at the clarification of the legal relationships between the various entities involved in economic integration in Africa, and the creation of the African Governance Infrastructure (AGA) to foster cooperation among AU bodies working in the field of governance and democracy, both of which I address in greater detail in Chapter 4.3. Notwithstanding such existing initiatives to clarify AU law and optimize the functioning of the AU, there remains a lack of clarity in the legal and functional framework of the AU. The second part of this lesson the AU can learn from the EU therefore relates to the need not only to adapt the union to the demands of the time by creating new legal text, bodies, institutions, and programs, but also to consolidate and thereby simplify, as much as complex integration schemes permit, the legal framework and functioning of the AU. Crucially, this would involve the streamlining of bodies with overlapping mandates as well.



## **Chapter 4.**

# **The Achievements and Shortcomings of the African Union**

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### **4.1. Introduction**

What are the successes and shortcomings of the AU to date and by what standards can the performance of the Pan-African organization be evaluated? On the one hand, an assessment of the milestones of integration reached by the AU as compared to the EU or other regional organizations involves the risk of dismissing African (and other non-European) integration regimes as weak or incomplete without a critical examination of the AU. Through such a Eurocentric lens, one might risk overlooking some achievements of the AU. Measuring the AU's achievements by comparing the de jure nature of integration in Africa with the reality on the ground might similarly lead to an overly pessimistic outlook on integration in Africa because of the slow implementation of ambitious AU law. On the other hand, not holding the AU accountable to its goals would do injustice to the citizens that the organization was created to serve and whose lives were meant to be improved through integration. With these considerations in mind, this chapter evaluates what has been achieved at the AU in the fourteen years of its existence based on its own goals and legal obligations, as well as in comparison to the OAU era.

## 4.2. The Achievements of the African Union

Assessing the performance of an organization as large and complex as the AU is no easy task, especially given the tendency in the study of regional integration to dismiss integration regimes that are perceived as weak due to a lack of legally binding frameworks or a lack of enforcement thereof. This is the case not only with the AU, but, for instance, with ASEAN as well. With that said, identifying the shortcomings of such regimes, as I do in the following section, is predominantly an exercise in functionalist analysis. The achievements of “weak” integration regimes, on the contrary, should not solely be measured by the extent to which their legal frameworks are implemented or one might overlook some of the impact these organizations have had. In the case of the AU, legal and institutional weakness is to a large extent, though not exclusively, caused by compromised economic capacity. Instead of asking about completeness of implementation and existence and application of legal enforcement mechanisms alone, one might further like to ask what positive changes the AU has brought about despite low capacity. In this light, four major achievements of the AU can be identified.

The first achievement of the AU is its strong stance against unconstitutional changes of government. Since the establishment of the OAU in 1963, there have been 91 successful coups d'état on the African continent.<sup>256</sup> One informant stated, “In Africa we have constitutions without constitutionalism,”<sup>257</sup> in reference to the title of the 1988 book

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<sup>256</sup> “African Coups,” Center for Systemic Peace, accessed January 18, 2016, <http://www.systemicpeace.org/africa/ACPPAnnex2b.pdf>.

<sup>257</sup> AU Official, interviewed by Elizaveta Bekmanis, July 31, 2015.

by H.W.O. Okoth Ogendo. Although the OAU had begun to create a set of policies and an international legal framework which condemn unconstitutional changes of government, it was only after the creation of the AU that such condemnation was routinely put into practice. Previously to the first successful action of the Organization of African Unity against a coup when Major Paul Koromah's seized power in Sierra Leone in 1997, attempts by some member states to refuse recognition by the Organization of African Unity to governments that had come to power by unconstitutional means in Ghana in 1966, Uganda in 1971, Liberia in 1980, and Chad in 1982 had remained unsuccessful.<sup>258</sup>

The Constitutive Act of the African Union, adopted in July 2000, not only revised the insistence of the Organization of African Unity on the principles of non-interference and sovereign self-determination but furthermore endowed the organization with powers that exceed those previously possessed by the Organization of African Unity. Thus, while Article 3.2 of the Organization of African Unity Charter provided for the “sovereign equality of all member States,”<sup>259</sup> and “non-interference in the internal affairs of States,”<sup>260</sup> according to Article 4 of the Constitutive Act, the principles of the African Union include the “sovereign equality and independence of Member States of the Union,”<sup>261</sup> and “non-interference by any Member State in the internal affairs of another.”<sup>262</sup> Hence, the

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<sup>258</sup> Eki Omorogbe, “A Club of Incumbents? The African Union and Coups d’État,” *Vanderbilt Journal of Transnational Law* 44 (2012): 126.

<sup>259</sup> Charter of the Organization of African Unity, May 25, 1963, Art. 3.1.

<sup>260</sup> Charter of the Organization of African Unity, May 25, 1963, Art. 3.

<sup>261</sup> Constitutive Act of the African Union, July 11, 2000, Art 4.a.

<sup>262</sup> Constitutive Act of the African Union, July 11, 2000, Art 4.g.

African Union Constitutive Act leaves the possibility of intervention in the internal affairs of member states by the union. Article 4 (h) provides for

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.<sup>263</sup>

With regards to coups d'état, and contrary to the Organization of African Union Charter, the Constitutive Act of the African Union moreover provides for the “condemnation and rejection of unconstitutional changes of government.”<sup>264</sup> It further provides for the suspension of member states in which an unconstitutional change of government occurs from the African Union in Article 30. The 2000 Lomé Declaration clarifies what situations the African Union considers unconstitutional changes of government, namely where a “military coup d'état against a democratically elected Government,” “intervention by mercenaries to replace a democratically elected Government,” the “replacement of democratically elected Governments by armed dissident groups and rebel movements,” or “the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections” occur. The Protocol Relating to the Establishment of The Peace and Security Council of the African Union regulates the measures that the African Union can take against countries in which an unconstitutional change of government has occurred, notably providing the PSC with the power to impose sanctions on member states in question. Most recently, the African Charter on Democracy, Elections and Governance, which came into force in 2012 after being

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<sup>263</sup> Constitutive Act of the African Union, July 11, 2000, Art 4 (h).

<sup>264</sup> Constitutive Act of the African Union, July 11, 2000, Art 4 (p).

adopted in 2007, amends the definition of situations of unconstitutional change of government provided in the Lomé Declaration to include “any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.”<sup>265</sup> The Charter further bans perpetrators of unconstitutional changes of government from participating in elections once order is restored,<sup>266</sup> and provides that they could be tried before an African Union court.<sup>267</sup> It lastly extends the powers of the Peace and Security Council to act to maintain constitutional order even before an unconstitutional change of government occurs.<sup>268</sup>

To date, the African Union has taken action against unconstitutional changes of government in twelve of its member states, namely Togo in 2005, Mauritania in 2005 and 2008, Guinea in 2008, Madagascar in 2009, Niger in 2010, Ivory Coast in 2010, Guinea Bissau in 2012, Mali in 2012, Egypt and Libya in 2013, The Central African Republic in 2013, and Burkina Faso in 2015.

The second achievement of the AU likewise relates to promoting stability in Africa. In comparison with its predecessor, the AU displays a credible commitment to address peace and security issues on the continent with continental frameworks and, where necessary, interventions. In addition to fighting the culture of unconstitutional governance, with the APSA the AU has created a comprehensive set of mechanisms to

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<sup>265</sup> African Charter on Democracy, Elections and Governance, January 30, 2007, Art. 23.5.

<sup>266</sup> African Charter on Democracy, Elections and Governance, January 30, 2007, Art. 25.4.

<sup>267</sup> African Charter on Democracy, Elections and Governance, January 30, 2007, Art 25.5.

<sup>268</sup> African Charter on Democracy, Elections and Governance, January 30, 2007, Art. 24.

help combat the myriad of conflict, predominantly civil conflict, that has ailed the continent since the struggle for independence. Considering that many observers, such as a former OAU official I interviewed, question whether political and economic integration can progress before peace, stability, and democracy advance across the continent,<sup>269</sup> this is not only commendable in itself but can also be considered a step towards closer economic and political cooperation in the future. Following the end of the Cold War era, the role of regional organizations, especially in Africa where intra-state conflict became the prevalent form of hostilities, in maintaining international peace and security expanded, as they gradually became more involved in the prevention and management of international and civil conflict.<sup>270</sup> The involvement of the OAU in African conflicts had been limited by its strict interpretation of the principles of sovereignty and non-interference in domestic affairs of member states, so that examples of OAU conflict intervention, such as in Chad, Burundi and the Comoros, are few and their successes limited.<sup>271</sup> Consisting of the PSC, the Panel of the Wise, the AU Peace Fund, the Continental Early Warning System, and the African Standby Force, the APSA is a manifestation of collective political will to prioritize peace and security over state sovereignty in accordance with the responsibility to protect principle. APSA, unlike previous African peace and security initiatives, further has an underlying theoretical framework that addresses how Africa can be transformed from its current state of conflict

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<sup>269</sup> Former OAU Official, interviewed by Elizaveta Bekmanis, November 21, 2014.

<sup>270</sup> Solomon Dersso, "The African Peace and Security Architecture," in *Handbook of Africa's International Relations*, ed. Tim Murithi (London: Routledge, 2014), 51.

<sup>271</sup> Mesmer I. Gueyyou, "The Role of the Union in Conflict Prevention and Resolution," in *The African Union: Legal and Institutional Framework* ed. Abdulqawi A Yusuf and Fatsah Ouguergouz (Leiden: Martinus Nijhoff Publishers, 2012), 307-309.

to a state of peace.<sup>272</sup> Besides the willingness of the AU, unlike the OAU, to intervene in intra-state conflict, such as with the African Union Mission in Somalia (AMISOM), APSA further provides conflict prevention mechanisms through the Continental Early Warning System. To date, the PSC has sent or authorized 64,000 peacekeepers to the many missions across the continent, frequently carried out in cooperation with the UN.<sup>273</sup>

The third achievement of the AU is its focus on improving governance and increasing popular participation on the continent through initiatives under the AGA. This is perhaps the least functionalist item in this assessment because it is not necessarily the state of its implementation but creation of a normative continental governance framework that deserves recognition. African states have long been criticized internationally for their largely poor performance in the areas of democracy, governance, and human rights. The adoption and coming into force of the African Charter on Democracy, Elections and Governance, as well as the establishment of the APRM, the PAP, the ECOSOCC, and the African Court on Human and Peoples' Rights, which is to be merged with the ACJ to create a single African Court of Justice and Human Rights pursuant to decisions of the Assembly in 2004 and 2005, institutionalize the participatory and democratic vision of the new Pan-Africanists. With this framework, the AU takes a clear stance against the perpetuation of a culture of impunity and for more democratic politics, better governance,

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<sup>272</sup> Azeez Olaniyan, "Panel of the Wise and the Future of Conflict Resolution in Africa," in *The African Union Ten Years After: Solving African Problems with Pan-Africanism and the African Renaissance*, ed. Oghenerobor B. Akpor, Phindil Lukhele-Olorunju, and Mammo Muchie (Oxford: Africa Institute of South Africa, 2013), 106.

<sup>273</sup> "Peace Operations in Africa," Council on Foreign Relations, accessed March 5, 2016, <http://www.cfr.org/peacekeeping/peace-operations-africa/p9333>.

increased civil society involvement, and respect for human and peoples' rights. These initiatives are not faultless, as the domestication of and adherence to their principles is making slow progress. While many African states transitioned away from authoritarian governance, few have reached the status of a full democracy. I discuss the functional liabilities of the AGA in the following section. Nevertheless, codifying progressive governance norms brings the AU one step closer to implementing them, which is a central prerequisite for closer political and economic integration since democracies have historically engaged more in international cooperation than more autocratic states.

A fourth achievement of the AU is its ability, remarkable when compared with the OAU, to assemble representatives from member states and prompt them to take speedy decisions on pressing issues. One AU staff said, "the AU derives its importance from its convenient power. It assembles leaders and places an issue before them and forces them to address it."<sup>274</sup> Permanent AU staff, especially of the AUC, thus has the ability to enhance and influence cooperation and integration despite the AU's predominantly intergovernmental nature. The informant added, "any issue you can bring before them, place on their agenda, the convenient power has an advantage."<sup>275</sup> As a predominantly optimistic and progressive entity, the AUC in this way can influence the direction of conversation of African leaders during AU summits and meetings, and place controversial issues on the table. The optimism of AU staff, although genuine in my experience, of course stems in part from the fact that they are not the ones tasked with

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<sup>274</sup> AU Official, interviewed by Elizaveta Bekmanis, July 29, 2015.

<sup>275</sup> AU Official, interviewed by Elizaveta Bekmanis, July 29, 2015.



implementing ambitious AU programs, as another informant pointed out. The AU has in this way nevertheless managed to speedily and effectively address some of the crises that the African continent faced during its existence, as is evidenced by its successful response to the Ebola outbreak in West Africa that began in 2013.

### **4.3. The Shortcomings of the African Union**

Despite the achievements of the AU, the Pan-African organization is not without its limitations, three of which I identify in this section.. The first shortcoming of African integration at the AU lies in the frequently slow, incomplete, or even lacking implementation of AU Treaties, Conventions, Protocols, and Charters. This problem begins in many instances with a slow process of the signing of documents by member states and a relatively long period of time after the adoption of a document for a sufficient number of member states to ratify the latter for its entry into force. For instance, the Protocol of the Court of Justice of the African Union was adopted on July 1, 2003, but entered into force only six year later on February 11, 2009.<sup>276</sup> Other documents have not entered into force at all, such as the Protocol on Amendments to the Constitutive Act of the African Union and the Protocol to the OAU Convention on Preventing and Combatting Terrorism, which were adopted in 2003 and 2004.<sup>277</sup>

The AU and RECs either lack effective schemes for the enforcement of the implementation of agreements, or, where such schemes exist, they are not invoked on a regular basis. The lack of implementation, however, is not solely rooted in the

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<sup>276</sup> “OAU/AU Treaties, Conventions, Protocols & Charters.”

<sup>277</sup> Ibid.

unwillingness of political leadership to relinquish sovereignty, implement treaties, charters and conventions, and liberalize their respective economies. Many AU member states are classified as Least Developed Countries (LDCs) and practice protectionism not least to grow and diversify their domestic economies before liberalization. The principle of variable geometry thus is a key reason for the flexibility in the implementation of African integration agreements. An important additional reason for the failure of African RECs and the AEC to establish a legally binding and consistently enforced framework for international integration, especially economic integration, like that of the European Union, is the cost associated with the liberalization of economies and the judicial reform that integration agreements, whether economic or political, entail. Even where the willingness to liberalize and utilize the economic benefits of greater liberalization or to implement political integration documents exists, African states often lack the revenues to put aspirations into practice. This includes not only a loss of revenue from the elimination of customs duties in free trade areas and costs related to steps such as implementing common tariff classification systems in the case of economic integration, but also the costs associated with executing changes in the domestic legislature to domesticate international agreements. These factors might help explain why legal documents that are adopted at the AU are not necessarily ratified speedily or implemented fully and in a timely manner in the member states.

In the light of these challenges to African economic integration, the question arises whether the stage approach to economic and political integration set out in the Abuja Treaty may be overly ambitious, and the RECs should completely implement their

respective free trade areas and customs unions before negotiating agreements among each other; or whether greater legal harmonization will ease future implementation of economic integration on the continent. The COMESA, the EAC, and the SADC have met the objective set out in the Abuja Treaty to merge RECs, but other RECs are not likely to meet this target any time soon. On the question of the meeting of deadlines, an AU staff member said, “deadlines are there. In 2017 we have to achieve the common African Free Trade Area. But as I said, I don’t think Central Africa will be able to achieve it.”<sup>278</sup>

In a similar vein, the question arises whether legal documents not relating to the African Economic Community, such as the African Charter on Democracy, Elections and Governance, should be less ambitious in character and more strictly enforced, or whether these documents function as a progressive normative framework that will create the desired political change over time. The danger of such an approach, of course, is that citizens and politicians alike might stop taking AU law seriously if there are no repercussions for a member state’s failure to implement it. Someone at the AU headquarters commented on this challenge,

The AU cannot prescribe what kind of political and economic system a country adopts, but the AU asks that if a country ratifies an instrument, it implements it within its political and constitutional context.<sup>279</sup>

At the same time, another informant admitted, “There is nothing ideal, and there is nothing that is implemented one hundred per cent.”<sup>280</sup>

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<sup>278</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

<sup>279</sup> AU Official, interviewed by Elizaveta Bekmanis, July 31, 2015.

<sup>280</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

A second shortcoming of the AU is its inherent lack of legal and functional clarity. In terms of legal clarity, the status of the RECs within the AEC, as well as that of the AEC within the AU is not well defined. Since these are separate legal entities, their precise legal relationships to each other should be established by legal agreements, which has not fully occurred but the AU Constitutive Act does establish the AEC as an integral part of the AU.<sup>281</sup> Legally, this is odd since through being a member state of AMU, Morocco thus is a part of the AEC, but the AU Constitutive Act was adopted by the AU, of which Morocco is not a member state. The conflation in practice of the separate legal entities that are the AEC and AU would thus eventually have as a consequence the de facto membership of Morocco in the AU once a Pan-African economic and monetary union is implemented under the AEC framework for economic integration. There does exist the Protocol on Relations Between the RECs and the AU, but it does not actually address the question of legal status of the RECs and their relationship to the AEC and AU, that is whether they are members, organs, subjects or agents of the AEC or AU, so that it is difficult to formally establish that they are subject to the decisions of the AEC and AU.<sup>282</sup> It has been argued by scholars such as Richard Opong that this legal flexibility inherent in the African continental and regional schemes for integration is a major obstacle to its success. Opong argues that while a strong and binding legal framework is not a sufficient condition for successful integration, it is a necessary condition for the latter.<sup>283</sup> The arguably most important obstacle that arises out of

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<sup>281</sup> Opong, *Legal Aspects of Economic Integration in Africa*, 70.

<sup>282</sup> *Ibid*, 71.

<sup>283</sup> *Ibid*, 31.

flexibility and multiple membership in African economic integration communities is the degree of ambiguity of existing legal frameworks. It is, for instance, legally impossible to be part of two customs unions and implement two separate common external tariffs at once, a problem Kenya and Uganda were faced with as members of both the EAC and the COMESA prior to the establishment of the Tripartite Free Trade Area. Other African states continue to face this problem.

African integration today faces not only such legal ambiguity, but also the challenge of vague and overlapping responsibilities of the organs that compose the AU, AEC, and RECs, as well as competing competence with the United Nations Economic Commission for Africa (UNECA) and a dichotomy between the work of permanent staff and the representatives of member states. With regards to the former, a multitude of organs and initiatives has been established since the AU came into being that often have similar or overlapping objectives and responsibilities. While there are attempts at simplifying this, such as the African Governance Architecture (AGA) which creates dialogue between different political organs and initiatives, such initiatives have often added more tasks and costs to African integration than they have eliminated, so that the overall landscape of AU initiatives remains confusingly plentiful.

The relationship between the work of the AU and the UNECA is not always clear in practice either. Formally, the UNECA is meant to act as a kind of think tank for the mandate of the AU, yet in practice the UNECA frequently is engaged in tasks that one should think lie with the AU. The two organizations frequently act as partners in implementing projects, collecting intelligence, and publishing reports. Nevertheless, as a

diplomat working for an embassy in Addis Ababa has pointed out to me, there appears to be a competitiveness for responsibility between the AU and UNECA. The UNECA, on the one hand, credits the lack of capacity of the AU with its own increased involvement. Others, on the other hand, see this increased involvement as undermining the credibility of the AU as an organization that aims at decreasing the dependence of African states.<sup>284</sup>

A third weakness of African integration and one that has outlived the OAU era to an extent is the reluctance of African leaders to pool sovereignty to achieve the objectives of integration. To AU staff, continental unity appears central to the transformation to greater self-sufficiency and heightened influence in global governance of the continent. Someone at the AU headquarters stated, “together we will win. Alone we will lose.”<sup>285</sup> Such unity does not, however, exist between African states in many policy areas. One informant explained, “Conversation is ongoing and fruitful in some areas but difficult in others. While the EU can speak with one voice, at the AU it’s more difficult.”<sup>286</sup> For unity to be institutionalized, the implementation of existing agreements, as well as continued harmonization, and eventual unification, of national policies at the Pan-African level is necessary. Yet, as one informant at the AU headquarters contended, “there still is discussion if political integration should be gradual or revolutionary, as Nkrumah wanted it, as Gaddafi wanted it.”<sup>287</sup>

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<sup>284</sup> Diplomat, interviewed by Elizaveta Bekmanis, July 23, 2015.

<sup>285</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

<sup>286</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

<sup>287</sup> AU Official, interviewed by Elizaveta Bekmanis, July 30, 2015.

The scope and intensity of international cooperation between African states has increased with the dismantling of authoritarian regimes and the advance of democracy on the continent. Despite this paradigm shift regarding the norms of sovereignty and non-interference that accompanied the transition from the OAU to the AU, however, the AU has thus far remained an intergovernmental organization despite ambitions to form a union of states.<sup>288</sup> There are several reasons for why this is the case in addition to the aforementioned disagreement between African leaders about whether integration should be gradual or revolutionary. Firstly, African states have fought hard for their independence and sovereign self-determination, and are consequently often reluctant to give it up. Indeed, research has found a correlation between leaders of the independence movement being in power and African states' willingness to cede sovereignty to the AU or the RECs they are members of.<sup>289</sup> In many African states, this remains the case. In Zimbabwe, for instance, Robert Mugabe has held on to power since 1980. Secondly, some scholars have advanced the argument that the vast social, cultural, political and economic heterogeneity of the African continent complicates attempts at pooling sovereignty.<sup>290</sup> Lastly, AU member states appear to be politically and economically oriented toward their RECs and the world at large much more so than toward the African continent. With their main focus on integration not lying with the AU, it appears logical that they would hesitate to cede sovereignty to the continental organization.

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<sup>288</sup> Welz, *Integrating Africa*, 1.

<sup>289</sup> *Ibid*, 79.

<sup>290</sup> *Ibid*, 5.

## **Conclusion**

### **What Future for African Integration?**

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What does the future hold for the AU in particular, and African integration in general? This study has established that in the fourteen years of its existence, the AU has begun to institutionalize a paradigm shift with regards to development, democracy, and governance. A new generation of African leaders reinvigorated the philosophy of Pan-Africanism and stressed not only the importance of placing the African continent in a more beneficial position on the global playing field by combatting the effects of colonialism and imperialism, but additionally the need for scrutinizing domestic governance. The AU has created an ambitious vision for a united, stable, and more prosperous continent characterized by good governance. The most prominent obstacles to African unity through integration are the slow progress of implementation of international agreements, the lack of clarity with regards to the legal relationship between the AU and the RECs and the relationship of the RECs with one another, the varying levels of economic development among member states of the AEC, and finally, the distaste for the relinquishing of power to supranational institutions that enforce treaty implementation. Despite its achievements in the areas of peace and security, stability, and governance, the AU has not been able to increase the influence of the continent in global affairs significantly, and the AU is not yet integrated enough to be able to speak with one



voice internationally, as member states are frequently oriented more towards international partners or the RECs that they participate in.

Globalization today could become an opportunity as opposed to a misfortune for the continent, as a billion consumers, driven by the cheetah generation and emerging middle classes, are taking increased economic and entrepreneurial leadership. One informant stated,

the main driver of interaction on the continent is not the AU but young people. They see the AU cannot get them to where they want to go, so they are doing it themselves through channels such as social media.<sup>291</sup>

According to the World Bank, doing business on the continent today is easier than it has ever been before,<sup>292</sup> not least because of the strengthening of the rule of law and improvement of economic governance in many member states since the political transitions of the 1990s and the transformation of the OAU into the AU. With its abundant natural resources, some of the youngest populations, and some of the fastest growing economies in the world, Africa's potential for development is apparent. Nevertheless, numerous African countries repeatedly rank among the lowest in the world in income per capita, the Human Development Index (HDI), and indicators of the quality of governance and democracy. Corruption, capital flight, and conflict persist as major obstacles to prosperity despite regional and continental initiatives to fight them. African countries today trade more with the outside world than within the region, whereby

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<sup>291</sup> AU Official, interviewed by Elizaveta Bekmanis, July 31, 2015.

<sup>292</sup> Vijay Mahajan, *Africa Rising: How 900 million African Consumers Offer More than You Think* (Upper Saddle River, NJ: Pearson Prentice Hall, 2009), 17.

especially commodity exporters have little chance for intra-regional trade, and significant barriers to the free movement of goods and people mean that it is easier today for a British tourist to obtain a visa for Namibia than it is for a Nigerian national, and easier to import a Belgian car to Burundi than a South African one.<sup>293</sup> Opportunities are abundant, but the AU and its member states must ensure that they create a context in which they can be exploited.

The AU proclaimed 2013 the Year of Pan-Africanism, during which it published a vision for the transformation of the African continent in the fifty years until 2063. According to the AUC, Agenda 2063 is at once a declaration of aspirations and an ambitious plan of action. It articulates the following seven aspirations to be implemented by 2063:

- A prosperous Africa based on inclusive growth and sustainable development<sup>294</sup>
- An integrated continent, politically united based on the ideals of Pan Africanism and the vision of Africa's renaissance<sup>295</sup>
- An Africa of good governance, democracy, respect for human rights, justice and the rule of law<sup>296</sup>
- A peaceful and secure Africa<sup>297</sup>
- An Africa with strong cultural identity, common heritage, values and ethics<sup>298</sup>

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<sup>293</sup> Akokpari, "Dilemmas of Integration and Development in Africa," 102.

<sup>294</sup> African Union Commission, *Agenda 2063: The Africa We Want* (Addis Ababa: African Union, 2015), 2.

<sup>295</sup> Ibid, 4.

<sup>296</sup> Ibid, 5.

<sup>297</sup> Ibid, 6.

<sup>298</sup> Ibid, 7.

- An Africa where development is people-driven, unleashing the potential of its women and youth<sup>299</sup>
- Africa as a strong, united and influential global player and partner<sup>300</sup>

Similarly to existing AU frameworks, Agenda 2063 is vastly ambitious and acts more as a general blueprint than a concrete plan of action. It is now time that less enthusiastic member states overcome the unwillingness to address domestic ills so that the commendable vision and guiding principles of the AU, the RECs, and the AEC can be more tangibly put to practice across the continent than has been the case to date. The way forward should therefore not be defined by the abandonment of the idea of African emancipation through African solutions to African problems, but capacity building in order to ensure that weaker member states catch up to more successful African states, such as Ghana, Senegal, and Botswana.

Two prerequisites to achieving the vision enshrined in Agenda 2063 are more participatory African politics domestically and at the continental level, as well as visionary leadership that works toward their countries' transformation and by implication the transformation of the continent. Firstly, despite the ECOSOCC and PAP, the AU is not universally well-known among Africans. Nearly all informants in Addis Ababa have addressed this topic during my interviews. One informant stated,

there is the need to make people believe in our organization and the need for economic integration. There must be flagship programs with effects on the population, otherwise people won't believe in economic integration in Africa.<sup>301</sup>

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<sup>299</sup> Ibid, 8.

<sup>300</sup> Ibid, 9.

<sup>301</sup> AU Official, interviewed by Elizaveta Bekmanis, July 25, 2015.

Another informant spoke about how even in Addis Ababa, where the AU Headquarters are located, the organization is not well-known. They stated,

the biggest risk now with the African Union is that if I ask someone to take me from my house to the AU, after a few minutes they will ask: OAU?<sup>302</sup>

The AU was created to transform African integration from an intergovernmental “talking shop” into a regime that serves the needs of the citizens of its member states. Although high levels of technical expertise are necessary to achieve this goal, and top-down policy is thus justified, the AU cannot ignore the people it was created to serve, or else it risks the rise of similar popular criticism that the EU has had to face.

Secondly, strong and visionary leadership has had a special place in the accomplishments of African success stories such as Botswana. Comparatively weak institutions, missing checks and balances, and relatively undeveloped democratic political cultures mean that in Africa, leaders are more powerful than their counterparts elsewhere. Seen as a curse in the past, this could, paired with the right leaders, be a blessing in disguise for the fight against the prevailing problems on the continent. Although such a commitment to transformative leadership is apparent among the permanent staff of the AU, the predominantly intergovernmental nature of the organization has as a consequence that national leadership determines the seriousness with which continental policy is domesticated. Visionary leaders who think in the long-term and are committed to taking measures against the kinds of threats to an African transformation, such as

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<sup>302</sup> AU Official, interviewed by Elizaveta Bekmanis, July 29, 2015.

corruption, that prevail on the continent could indeed place their countries on a trajectory to improved governance, accelerated development, and a commitment to continental unity. Moreover, a third kind of visionary leadership would aid the effort to achieve the mission of the AU. In addition to progressive AU staff and transformative national leaders, there is a need for public leaders to endorse and advocate for African integration. At the time leading up to the establishment of the OAU and during its existence, numerous public figures and public intellectuals tasked themselves with advancing the cause of African unity in international relations, as well as local and global public opinion. These leaders, who included Kwame Nkrumah, Haile Selassie, and Julius Nyerere, made African integration efforts known at home and abroad. While in the decade leading up to the supersession of the OAU by the AU, the advocates for an African renaissance did publicly advocate for African solidarity and unity, these public voices have become somewhat more silent since. Muammar Gaddafi and Thabo Mbeki, arguably the two most prominent advocates for African integration in the AU era, have not become as universally known as advocates for integration as the earlier generation of Pan-Africanists. This is especially true with regards to making African integration known to African people. More participatory continental politics, however, depend also on the existence of public leaders who can make a convincing case for the AU among the citizens of its member states.

African integration has the potential externally to increase the continent's bargaining power in global affairs. Internally, a reconfiguration of power between the national and the continental level could help to productively accommodate Africa's

diversity and leave behind the perils of nation-statism that had characterized the OAU era. At independence, decolonization proceeded without a questioning of Westphalian sovereignty, so that out of the three options for political organization at independence, namely states based on the pre-colonial ethnic makeup of the continent, an adoption of the colonial map, and a Pan-African federation, the colonial template was adopted.<sup>303</sup>

In conclusion, then, the AU could bring the continent a step closer to the early Pan-African ideal of an African federation that utilizes integration to benefit its citizens. Integration would not, however, imply a disappearance of member states but rather involves a reconfiguration of power on the continent so that the development of the continent will have a center of gravity in Addis Ababa. Viable states at a local level would thus take cues from a new center of African capacity at the AU. These states will remain, as in the EU, the primary point of democratic involvement of citizens, and involvement of civil society at the Pan-African level thus has to be designed with a level of ingenuity to ensure sufficient representation in continental decision-making processes. Otherwise, the AU might begin to experience similarly low levels of popular support as the EU, where, quite opposite to the AU, the function of the organization is stronger than its current vision. Despite its functional problems that delay implementation, the legal and institutional framework of the AU displays a strong commitment to integration, democracy, and development. The way to the fulfilment of its vision remains long, but the AU has laid the headstone to materialize it.

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<sup>303</sup> Ndlovu-Gatsheni, “Decolonial Epistemic Perspective and Pan-African Unity in the 21st Century,” 386.

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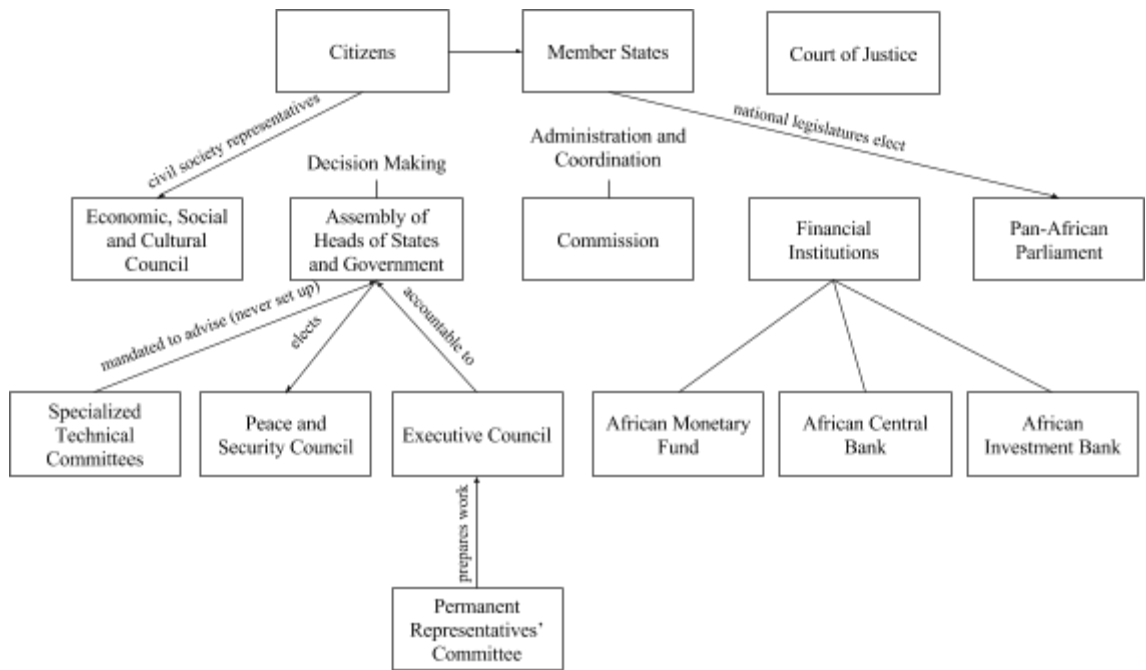
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# Appendix

## A. Institutions of the African Union



## B. Institutions of the European Union

