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Establishing Regional Integration: The African Union and the European Union

Sougrynoma Z. Sore
Macalester College

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I.   Introduction

Whether they are world travelers, global citizens, slum dwellers, or farmers in remote villages, people all across the world have, in one way or the other, been exposed to the forces of globalization. Globalization has infiltrated all aspects of life, and as such, is now one of the "catch" terms that has entered the daily jargon. Globalization seems to be everywhere, continuously influencing and affecting the individual. In international relations, these global forces have also shaped state behavior and the way states interact on the international scene. The rise of global capitalism and the emergence of non-state actors as influential borderless entities have distributed power to the most economically advanced of the world. Furthermore, the increasing interconnectedness of the world has progressively undermined borders, making them more and more illusory. Space has become trans-local. We now live in a world where the interests of small and big nations are ever more intertwined. Ulrich Beck describes globalization as "the process through which sovereign national states are criss-crossed and undermined by transnational actors with varying prospects of power, orientations, identities and networks."[1] In the history of state and empire formation, such international power dynamics have triggered desires to build coalitions and create strong ties that would grant more leverage in the global arena. This gave rise to regionalism.

   As a discourse, regionalism can be explained through several theoretical frameworks, depending on the context of bloc formation. The (neo)realist approach to regionalism is best described by World War and Cold War state integrations. The basic assumption is that fear of domination by one state, or the desire to control one state's authority, induces nations to seek alliances. In that framework, national interests are most important. Later theories, such as neo-functionalism and neo-liberalism, would focus more on the interdependence of, and the increasing demand for, cooperation between states to explain regionalism.[2] Various models of regionalism have developed throughout the world since the 1940s. Some regional entities have only concerned themselves with trade relations, leading to the creation of Free Trade areas like the North American Free Trade Area (NAFTA). Others embarked on a journey of economic and political integration, as exemplified by the European Union (EU) and the African Union (AU). The two regional organizations are particularly interesting because, while they achieved very different degrees of integration, they both received criticism for their lack of democracy. These controversies triggered my desire to research the AU and the EU under the scope of the legitimacy of regional integration and democracy. To engage with the topic, I asked the following research questions: What is the role of democracy in legitimizing the AU and the EU? How important is democracy for the future of these two regional entities as legitimate representatives of their populations?

   This essay attempts to answer these questions within the four remaining sections. In section two, I underline the historical contexts in which the AU and the EU were born. In the third

section, I lay out the basic similarities and differences between the two organizations before engaging in depth with the issue of democratic deficits within the AU and the EU in the fourth part. In the final section, I ponder the future of the two entities in a globalizing world.

II.   The Historical Contexts

A. The African Union since 1957

1. *The Spirit of Pan-Africanism*

According to Timothy Murithi, "Pan-Africanism is an invented notion with a purpose," and "a recognition of the fragmented nature of the existence of Africans, their marginalization and alienation whether in their own continent or in the Diaspora. Pan-Africanism seeks to respond to Africa's underdevelopment."[3] The Pan-African movement was formed to fight against the perverse effects of the Western domination of Africans and the Diaspora. Pan-Africanism reclaims the history and cultural identity of descendants of African heritage, and attempts to restore dignity, self-determination, and unity within Africa and its Diaspora.

   Pan-Africanism is not a single school of thought. For W. E. B. DuBois, considered one of the founding fathers of the concept, Pan-Africanism is a nationalist movement "rooted in shared racial, historical, and economic bonds, committed to gaining economic and political self-rule for the colonized, and symbolized in a worldwide union of people of color."[4] For DuBois, Pan-Africanism went beyond a cultural project. Other thinkers and activists, such as Amilcar Cabral, Marcus Garvey, Frantz Fanon, and Kwame Nkrumah, were also prominent Pan-Africanists that brought their contributions to the discourse. In the African context, Murithi argues, Pan-Africanism materialized through three main stages of institutionalization.[5] The initial phase consisted of the first Pan-African Congress convened on the African continent. The second phase involved the creation of the Organization of African Unity, and the third phase was the establishment of the African Union.[6] Other scholars, for example Armstrong Adejo, describe the emergence of the AU as a revival of Pan-Africanism (yet a different view).[7] For the purposes of this essay, however, I shall adopt Murithi's approach.

2. *Institutionalization of Pan-Africanism in Africa*

a. *The Pan-African Congress*

The first Pan-African Congress held in Africa occurred in 1974 in Dar-Es-Salaam, Tanzania. It was convened and coordinated by C. L. R. James and Walter Rodney, and hosted by the late President Mwalimu Julius Nyerere.[8] The objectives of the Congress included the addressing of "African unity, African independence, support of the liberation of southern African people and the establishment of a permanent Secretariat of the Pan African Congress, with six areas of focus: agriculture, health and nutrition, research in science and technology, communications, political cooperation, and support for the Liberation Movements in Africa."[9] This Congress established the early concrete efforts toward mobilizing Africa and its Diaspora. The following

Pan-African Congress on the continent was hosted in Uganda in 1994. That Congress was a renewed expression of the continent's intention to support the grand idea of Pan-Africanism.[10]

b. The Organization of African Unity

Late Ghanaian President Kwame Nkrumah was one of the foremost advocates of the establishment of the Organization of African Unity (OAU). As the first native president of one of the first sub-Saharan African countries to accede to independence in 1957 (Sudan is the other), Nkrumah had significant leverage in continental politics. As a voice of Pan-Africanism, Nkrumah was backed by Tanzanian President Nyerere and Egyptian President Gamal Abdel Nasser. They argued at state gatherings and summits that the only way for Africa to develop, prosper, and forever overthrow the colonizers was to form a united Africa. However, Nkrumah's ideas had little resonance with the newly independent African states. The late 1950s and early 1960s were characterized by power struggles and uncertainty. The assassination of the first Togolese president, Sylvianus Olympio, in 1963 caused African leaders to fear for their lives.[11] Furthermore, after enduring some of the bloodiest resistance to independence, many leaders saw the OAU as a threat to the sovereignty of their young states. The charter of the OAU, which was signed on May 25, 1963, in Addis Ababa, Ethiopia, reflected the compromise between the radicals and the moderates.[12] The OAU was prohibited from interference in internal state matters,[13] which often made it an impotent bystander to many violations of human rights under the rule of dictators like Idi Amin and Mobutu Sese Seko.

c. The Move to the African Union

After the failure of the OAU to meet its promises, African states called for the creation of the African Union (AU) at an extraordinary summit in Sirte, Libya, on September 9, 1999, under the leadership of President Muammar Al-Gaddafi. The Constitutive Act of the AU was signed at the Lomé Summit, Togo, in July 2000.[14] Officially, on July 8, 2002, in Durban, South Africa, the OAU dissolved to be supplanted by the AU. Under this new organization, the expressed priorities of African states were to shift from state-based to people-centered interests. The political climate in which the AU was born greatly contributed to the creation of the organization. After the collapse of the Soviet Union and the end of the Cold War, globalization took on a different face—that of diffusion. During the years of the capitalism-socialism divide, the fierce competition between the U.S.S.R. and the capitalist Western nations induced both blocs to scramble for allies. In Africa, the ultimate desire to undermine any form of socialist order led Western nations to turn a blind eye and a deaf ear to (or even participate in) the violations of human rights that occurred under the rule of dictators that were their allies. Such was the case in the Congo when populist and revolutionary Prime Minister Patrice Lumumba was assassinated by his successor, Mobutu Sese Seko, under the approving eye of the West, particularly Belgium.[15] After the end of the Cold War, the "neo-liberal economic ideology, increasing demands for the respect of human rights, democracy and transparency" accompanied the wave of globalization.[16] New values such as economic power overtook political alignments. Under the increasing pressure of civil organizations, the OAU had limited ability to address the challenges of the continent. In addition, the desire of three African leaders to revive the spirit of African Unity contributed to the materialization of the AU. Thabo Mbeki (South Africa), Muammar Gaddafi (Libya), and Olusegun Obasanjo (Nigeria) became the leading figures in the move toward the AU.[17]

B. The European Union since 1945

1. From World War II to the Treaty of Rome

By the end of World War II, Europe was devastated. The horrors brought by yet another war led European nations to seek peace and stability. In that light, British Prime Minister Winston Churchill called for the creation of a kind of "United States of Europe." During his famous "Speech to the Academic Youth" held at the University of Zurich in 1946, he stated, "There is a remedy which...would in a few years make all Europe...free and...happy. It is to re-create the European family, or as much of it as we can, and to provide it with a structure under which it can dwell in peace, in safety and in freedom. We must build a kind of United States of Europe."[18] Churchill's commitment to the European federal project would later earn him the label of founding father of the EU, along with other prominent figures like Robert Schuman and Jean Monnet.

On March 17, 1947, three countries that would later form part of the notable "Six" of the early European community signed a treaty to create the "Benelux" custom union. The union was made up of Belgium, Luxembourg, and the Netherlands. By that time, the Eastern Communist bloc was on the rise, throwing Europe into an ideological split that would lead to the forty-year Cold War. On June 5, 1947, U.S. Secretary of State General George Marshall announced the Marshall Plan to help European countries recover economically from the scars of WWII. The plan helped form the Organization for European Economic Recovery Cooperation (OEEC). The Eastern bloc rejected the Marshall plan, which resulted in the formation of Cominform.[19] In June 1948, the U.S.S.R. began the blockade of Berlin, splitting Germany into West and East. Meanwhile, European integration was gaining ground with the creation of the Council of Europe in 1949 and the Schuman plan to form a European Coal and Steel Community (ECSC). The Treaty of Paris sealed the deal with the "Six" (France, Italy, West Germany, and the Benelux countries), which was signed on March 19, 1951. Britain was invited to the talks but declined, as it was still reticent about the idea of integration. The ECSC placed the Franco-German coal and steel production under a common High Authority, with open participation from other states. French Foreign Minister Robert Schuman, inspired by French economic advisor and politician Jean Monnet, designed this highly political plan as part of a desire for France to have access to German coal and steel, while ensuring that Germany did not gain further influence in Europe. Nevertheless, Germany joined the ECSC to finally gain some recognition in Europe and become an economic partner.[20]

The road to Rome saw many events, such as the establishment of the GATT in 1947, the signing of the NATO treaty in 1949, the formation of the European parliament in 1952, and an attempt to create a European Defense Community (EDC) in 1954 (which failed after the French Assembly rejected it). On March 25, 1957, the Treaty of Rome was signed, establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). On January 1, 1958, the Treaty came into force, and Walter Hallstein was appointed first president of the European Commission.[21] The Treaty laid the foundation for the Common Market.

2. *From a Common Market to a Single Market to a Full-Blown Union*

Under the Common Market, the EEC established the Common Agricultural Policy (CAP) in March 1958, and a European Monetary Agreement entered into force in October of the same year. In 1959, the first steps were taken for the progressive abolition of customs and quotas, and Greece applied for membership in the EEC in June, followed by Turkey in July. Concurrently, seven countries of the OEEC (Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom) decided to establish a European Free Trade Association (EFTA).[22] In the face of the fast economic growth of the EEC in the 1960s, the U.K. decided to join the EEC in July 1961. The EEC production by then had increased 19 percent and the GNP of the Six in real terms had risen 27 percent.[23] More countries would also apply for membership in the EEC.

On February 17, 1986, the Single European Act was signed in Luxembourg under the premise of establishing an internal market. Once in force on July 1, 1987, the treaty would aim to abolish all remaining trade barriers between nation-states by 1992. On February 7, 1992, the Treaty of Maastricht on the European Union (TEU) brought together all the institutions of the ECC under one entity, the EU. It also changed the EEC to European Community (EC). The EU expanded the mandate of the EC to the political sphere. Later treaties, such as the Amsterdam, the Nice, and the Lisbon treaties, would amend the TEU to either clarify the structure of the EU or further expand the Union's activities.[24] The Euro was introduced on January 1, 2002, making the EU a full-blown union with a single currency governing a market with the free movement of goods, services, people, and money.

3. *The Transformation of the EU: Enlargement*

Since the beginning of the EU with the Six, the union has grown to include 27 members. The first expansion occurred with Ireland, the U.K., and Denmark joining in 1973 and Greece in 1981. By 1995, the union counted fifteen members, then twenty-five in 2004, and twenty-seven in 2009. The wave of enlargement in the 1990s and 2000s allowed European countries from almost all regions—North, South, East, and Center—to join the EU. While the reason for acceding to the EU were primarily for economic prosperity, new members reaped varying benefits. Alasdair Blair contends that while countries like Ireland grew significantly,[25] some ex-communist countries are still performing badly.[26] Furthermore, the question of Turkey joining the EU is, to this date, a thorny issue. It is hard to see what the future holds for Turkey.

III.   Similarities and Differences between the EU and the AU

A. Similarities

1. The "Idea of Europe" and the "Idea of Africa"

Both the AU and EU were aflame with the idea of uniting. In the case of the AU, Kwame Nkrumah was the main voice for African unity at the early stages. In contemporary Africa, Libyan president Muammar El Gaddafi is ever strong in his vision of a United States of Africa.

In Europe, Winston Churchill was the early face behind a federal EU. The federation idea was, however, dropped for a more functionalist approach to integration. This theory, embraced by Ernst B. Haas, advocates an integration method starting with technical and noncontroversial sectors. The eventual gains in one sector would spill over to other functions, such as economic and political issue areas.[27] Gerrit and Michèle Olivier argue that the "idea of Europe" can be traced back to the 18th century, when European philosophers like Emmanuel Kant and Abbe Saint Pierre envisioned a "Federal Europe" and a "United States of Europe" with "a common moral and intellectual outlook" and "perpetual peace."[28] However, it is not until the end of the Second World War that Europe sought a union that would preserve peace and prevent conflict. The "idea of Africa" came much later, during the time African nations were aspiring to freedom from colonial powers. Pan-Africanism, especially advocated by Kwame Nkrumah, was the forerunner of the "idea of Africa." After the end of the Cold War and the spread of globalization, the AU became the new materialization of that idea.

2. Structural Features

The EU and the AU have strikingly similar features. This is no surprise, considering that much of the AU structure was built upon the EU model. The following table shows that, with a few exceptions, the AU is almost the mirror image of the EU.[29]

AU	EU††
- Assembly of the Union (Heads of States) - Executive Council (Ministers) - Pan-African Parliament - African Court of Justice† - Commission - Permanent Representatives Committee - Specialized Technical Committees - Economic, Social and Cultural Council (ECOSOCC) - Financial Institutions	- European Council (Heads of States) - Council of the European Union (Ministers) - European Parliament - European Court of Justice - Court of Auditors - European Commission - Committee of Regions - Committee of Permanent Representatives - European Central Bank - European Investment Bank - Other Offices and Agencies

†In 2006, the African Court of Justice (ACJ) was merged with the African Court on Human and Peoples' Rights to create the African Court of Justice and Human Rights (ACJ & HR).[30]

†† The institutions are not in order of importance, but are listed so as to emphasize the similarities.

B. Differences

1. Process of Integration

The EU took a practical bottom-up, step-by-step route to integration, while the AU adopted grand ideologies and a top-down design. On the one hand, even though European and African states rejected the initial idea of surrendering some state power to a central unit, the EU succeeded in integrating European states with a functional approach that did not directly compromise state sovereignty. European nations did eventually surrender part of their authority to the Union. On the other hand, the OAU's insistence upon the respect of state sovereignty tied down the organization and continues to impede the new AU's authority.[31]

2. *Context and Realities*

The AU and EU differ as well on the factors of size, money, and time. Van der Mei states that while the EU had to deal with only six members at its start, the AU had fifty states. Moreover, the lack of funding of the AU clearly makes it less effective than the EU. In addition, the EU was established in a relatively stable and peaceful context. The EU thus had the luxury of time, slowly building up its authority. In contrast, the AU faces grave conditions in Africa of poverty and war, along with serious public health issues, such as HIV/AIDS and malaria. All these problems, added to poor state infrastructures and the lack of a system of support (like the Marshall Plan in Europe) make it harder for the AU to pursue its agenda.[32]

3. *Achievements and Failures*

To this date, the EU is the most successful model of regional integration. The Union owes this reputation to its great economic achievements through the creation of a single market, the introduction of the euro, and the establishment of European citizenship. All of these improved European firms' competitiveness, harmonized and made effective economic transactions, and facilitated traveling within the EU and cooperation among member states. The EU is also the platform for addressing trans-boundary issues such as climate change. In contrast, the AU has little to show in terms of achievements. Even though the Union has made efforts in peace building through troop missions to conflict areas like Darfur, the continent is still struggling. Nonetheless, the AU's institutional reforms with the Pan-African Parliament, the inclusion of civil society via ECOSOCC, and the establishment of NEPAD should be saluted. These organs could provide potential for change.

4. *The Two Major Mistakes of the EU*

A. P. Van der Mei asserts that there are two mistakes of the EU that the AU should avoid. The first concerns the tendency of the EU to act like it knows what is best for its citizens. This weakness in accountability, Van der Mei believes, is resented by many of its citizens. The EU has scored low in including its citizens in the decision process, which hinders the legitimacy of the Union.[33] The second mistake refers to the discrepancy in foreign affairs policies within the EU. The uncoordinated responses of European nations to the Iraq war, for example, have shown the discord in handling foreign affairs in the EU.[34] Van der Mei points to an important aspect of the current debates on the integration of the EU and the AU. Indeed, the issue of representation

has become paramount for both organizations, not only for their present positions as legitimate representatives, but also for their future in their respective regions.

IV.   Democracy and Legitimacy

A. The EU

1. Democratic Deficit

The EU's democratic deficit has been of concern from the early 1980s, during the drafting of the treaty for a European Union and also during the debates leading to the Single European Act in 1986. One of the main objectives of the Act was indeed to "rectify the democratic deficit of the Community's decision-making process."[35] However, the question of the democratic deficit and the legitimacy of the EU became more relevant with the rejection of the EU Constitution in 2005 by France and the Netherlands. The "No" vote in the French and the Dutch referenda sent a shock wave across the EU institutions.[36] This led to reflections in Brussels and heated debates in academic circles. Among the numerous scholars that have studied the question, one side holds that the deficit is simply a myth while others argue that it does exist and needs be addressed.

There is no single definition of the democratic deficit and views on the question are as varied as there are scholars writing about it. Follesdal and Hix drew the following main sources for the deficit from writings of colleagues. First, European integration has caused an increase in executive power at the expense of national parliamentary control.[37] EU decision-making is largely dominated by actors at the Council of Ministers and the Commission. Those executive actors are beyond the control of national parliaments, which gives them the potential to bypass their national parliaments when making decisions.[38] Moreover, European integration produces "policy drift" from the voters' ideal policy preferences. Since governments at the EU are less constrained than in their national parliaments, there is the risk of private interest groups organizing at the European level, which would benefit capital owners at the expense of labor or consumer groups at the domestic level.[39]

Second, Follesdal and Hix contend that the European Parliament (EP) is too weak. Despite the various EU reform treaties since the mid-1980s to increase EP powers, it still holds less influence than the Council.[40] Two key treaties for the EP were the Treaty of Maastricht and the Treaty of Lisbon. One of the objectives of the Treaty of Maastricht was to strengthen the democratic legitimacy of the EU's institutions. In addition, the treaty expanded the EP's role and introduced the co-decision procedure allowing the Parliament to adopt acts in conjunction with the Council.[41] The 2007 Treaty of Lisbon is the major reform the EU has undertaken so far in response to EU legitimacy criticisms. Because of its importance in the debate on the EU's democratic deficit in general, a separate section will later be devoted to this treaty.

A third source of the democratic deficit is that there are no European-wide elections. Even though Europeans directly elect their representatives for the EP, those elections are often characterized as "second-order national contests." They are not about political parties at the European level or the EU policy agenda. The absence of the "European" element to these elections leads Europeans to vote in line with "their attitudes towards the EU."[42] Dutch economist and former politician Rick Van der Ploeg argues that the lack of a clear battle of ideas

or political agendas, Darwinist style, in European elections, leads to the ever-decreasing interest of European populations.[43] Since the 1979 EP elections, voter turnout has been on the decrease. In June 2009, it reached an all time low of 43 percent, a significant drop from its 62 percent in 1979.[44] Furthermore, the EU's structure appears too different from domestic structures, and coupled with the bureaucracy that goes into the running of the Union, citizens do not understand the EU. This contributes to further disconnecting the citizen from the EU, which has probably led to the rejection of the EU Constitution.[45]

An important deficit-causing fact that should be added to Hollesdal's and Hix's extensive critique is the discontinuity in EU decision-making. Thomas König argues that discontinuity is a serious problem in the EU. Unlike in nation-states, where pending initiatives usually expire with the dissolution of a parliament, the EU voting system makes it almost impossible for revisions and amendments on policies, even in the case of changed preferences. Newly elected governments are thus forced to carry on with the previous government's activities. This creates a "high potential for discontinuity between government representatives who adopt directives and those (newly elected) governments that are obliged to implement decisions of their predecessors."[46]

On the side of EU defenders, in a comparative study of the EU, the U.S., and Switzerland, D. Zweifel demonstrated that based on his list of democracy criteria,[47] "democracy in the EU is close to being as great (or deficient, depending on one's viewpoint) as democracy in most liberal democracies."[48] However, it could be argued that Zweifel's comparison of the EU to nation-states is inadequate. To that he answers that, "whoever uses the term 'democratic deficit' implies that the EU is a polity that represents, or fails to represent, a *demos,* and is therefore comparable to other polities by definition."[49]

Andrew Moravcsik is another strong defender of the EU's legitimacy. As far as he is concerned, "the EU ain't broke."[50] The issue lies in the fact that critics of the EU hold a "utopian form of deliberative democracy." The EU is directly accountable to its citizens via the European Parliament, and indirectly accountable through elected national officials in the Council.[51] Furthermore, the present structure of checks and balances, coupled with the growing powers of the European Parliament, insure that decision-making in the EU stays transparent, clean, effective, and responsive to the demands of European citizens.[52] Moravcsik argues that there have been successes along the lines of the reforms and efforts taken by the EU to address its so-called democratic deficit. An example of such effort is the Treaty of Lisbon.

Giandomenico Majone takes a different approach to the debate and argues that the EU suffers from a credibility crisis and not a democratic deficit. His claim is that the EU is essentially a regulatory body. The EU addresses market failures and produces outcomes that are Pareto-efficient (in which some benefit and no one is made worse off) rather than redistributive or value-allocative (winners and losers).[53] Therefore, the EU should not be understood as a democratic body in the usual sense of the term. Majone sees the problems of the EU as a credibility crisis that needs a procedural change rather than a fundamental change.[54] The EU only needs more transparency through reviews and scrutiny by courts, private actors, media, and parliaments at the EU and national levels.[55] Follesdal and Hix disagree with Majone on this point, since they believe that EU policies do produce losers and winners. Massive support to farmers, depressed areas, or research scientists skews benefits between these groups. The general

and diverse population of consumers and taxpayers, while contributing to the budget too, receive widely varying net benefits.[56]

    The competing debates on the EU's democratic deficit bring up the crucial question: Is there a deficit or not? Both sides present valid arguments in their defense but a common thread to both is the meaning of democracy. In fact, the dispute seems to lie in the definition each group attributes to democracy. According to Schattschneider, modern democracy is "a competitive political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process."[57] Brian Barry defines democratic procedure as "a method of determining the content of laws (and other legally binding decisions) such that the preferences of the citizens have some formal connection with the outcome in which each counts equally… (and) allow for the formulation, expression, and aggregation of political preferences."[58] The literature on democracy is extensive and a discourse analysis on democracy cannot be undertaken here. However, there are generally established features of democracy that are widely accepted by democracy theorists. Thus, democracy entails (1) institutionally established procedures that regulate (2) competition for control over political authority, (3) on the basis of deliberation, (4) where nearly all adult citizens can participate in (5) an electoral mechanism where their expressed preferences over candidates determine the outcome in a way that (6) the government is responsive to the majority or to as many as possible.[59] This standard definition of democracy underlines two important aspects of democracy: the institutional design and the competition of political parties. These components are what distinguish democratic states from non-democratic regimes. Indeed, if policy outcomes (like Majone and Moravcsik suggest) should be the criterion for judging the legitimacy of the EU, then a democratically elected EU government is not always necessary. Non-democratic regimes can meet the needs of their citizens as well and strive for the common good. Joseph Schumpeter describes this potentiality by contrasting what he calls classical democracy theory and Philipic democracy theory. Under classical theory, outcome determines the democratic nature of a state. However, Schumpeter suggests that democracy be defined primarily as a *modus procedendi*: "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."[60]

    The second component of democracy, as here defined, legitimizes the claim that the lack of a European election causes deficit. The absence of clearly defined competing political agendas during European elections does not give European citizens all of the necessary information to cast well-informed votes. Thus, Van der Ploeg remains critical of the EU reforms through the Lisbon Treaty, because as long as there is no battle of ideas in Europe like there is in the United States, EP elections will leave much to be desired in terms of popular participation.[61]

    2.   The Response from Brussels: The Treaty of Lisbon

In face of the criticisms of its democratic deficit, the EU embarked on a season of reflection and reform. The most notable corrective action from the EU was the Treaty of Lisbon or "Reform Treaty." The main objectives of the Treaty, signed on December 13, 2007, touch upon five main areas[62]:

- Democracy and transparency through a strengthened EP and a greater role for national parliaments, more opportunities for citizens to have their voices heard, and a clearer sense of who does what at European and national level;
- Efficiency with simplified bureaucracy and voting rules, streamlined and modern institutions, and better involvement in areas of major priority to the Union;
- Promotion of the Union's values by introducing the Charter of Fundamental Rights into European primary law, providing for new solidarity mechanisms and ensuring better protection of European citizens;
- Positioning Europe on the global stage by giving it a strong voice in foreign affairs.

Directly pertinent to the increased power of the EP, Article 9A of the Lisbon Treaty provides the EP with legislative and budgetary functions jointly with the Council, and functions of political control and consultation as stipulated. It shall also elect the President of the Commission.[63] The Lisbon Treaty is in content very similar to the EU Constitution with the main difference being that it only amends the EU treaty. The Constitution was supposed to replace all other treaties, thus bringing together all existing treaties of the EU.[64] The Lisbon Treaty was supposed to come into force for the January 2009 European elections. However, just as the Constitution was rejected by the French and the Dutch in 2005, the Lisbon Treaty was rejected by the Irish in 2008. Under EU rules, the treaty cannot enter into force unless all 27 member states ratify it. Ireland is planning a new referendum in November 2009 to redeem the Treaty. If rejected a second time, the Treaty could be put on hold like the European Constitution.[65] According to research published by the Irish government, 42 percent of "No" voters said they did not understand the Treaty. Lack of information was the reason for their negative vote. Another 34 percent feared Ireland would lose control over domestic policies, in particular abortion policy.[66]

B. The AU

Unlike the EU discussions on opposite sides of the table, most scholars agree on the significant lack of democracy with the AU. Moreover, the AU's challenge to democracy is twofold: one is external to the AU, resulting from the nature of the political regimes of its member states, and the second is within the Union itself due to the structure of the organization that hinders popular participation. I refer to these two causes respectively as the *indirect source of democratic deficit* and the *direct source of democratic deficit.* This twofold nature of the AU's deficit implies a mirroring dual level of reform, and each deficit shall be addressed along with its corresponding reform.

1. Indirect Source of Democratic Deficit and the AU Response

As mentioned earlier in the history of the AU, the shift from the OAU to the AU was primarily driven by the criticism that the OAU shielded many corrupt and dictatorial regimes that committed great violations of human rights and subjected their populations to mass suffering. With the OAU's founding principles of sacrosanct sovereignty and noninterference in internal affairs through Article III of its Charter,[67] undemocratic regimes were provided with a powerful

tool to prevent any external intervention from other member states of the Union. With the creation of the AU, this direct source of democratic deficit could be thought of as a concern of the past—at least on paper. A key result of this O/AU shift is materialized in the transformation of the concept of democracy within the Union. The OAU defined democracy as the freedom of the people to choose their own government, without the interference of any external power. Hence, the organization condemned military coups, unconstitutional changes of government, and unfair elections as violations of the principles of democracy. It also upheld the right to self-determination.[68] Democracy was hence viewed mostly under the lens of colonialism and the need for Africans to free themselves from Western powers. It considered democracy a self-carrying process, as it relied on the premise that democratically elected leaders would naturally implement democracy in their nation-states.[69]

Under the AU, the Constitutive Act makes it clear that the concept of democracy grew to incorporate not only self-determination as well as free and fair elections, but also freedom of expression, human rights, and the respect and protection of African lives.[70] Rachel Murray goes further by stating that the Union's new agenda includes the protection of vulnerable groups in society, such as women, children, refugees, minorities, the old, and the disabled.[71] Therefore, the following elements were seen as essential characteristics to democracy:[72]

- A constitution: by which people stand, that regulates codes of conduct in society;
- Separation of powers, the rule of law, and the independence of jurisprudence, so that justice is effectively and fairly applicable to all;
- Support for civil society, opposition parties, and popular participation;
- Protection of human rights, in particular the right to freedom of expression;
- Democratic institutions, good governance, and fighting corruption; and
- Sustainable development in which resources are used adequately and responsibly.

In addition, the AU's Constitutive Act provided under Articles 4(h) and 4(j) the right to intervene under "grave circumstances," and under the specific request of a nation that is unable to provide security to its people. Article 23 allows the AU to impose sanctions on states that "fail to comply with the decisions and policies of the Union."[73] Nonetheless and not surprisingly, the AU still defends territorial integrity through Articles 4(b) and 4(g).

Another important tool used by the AU to promote good governance is the African Peer Review Mechanism (APRM). As an initiative of Africa's New Partnership for Development (NEPAD), the APRM was launched in July 2003 as a monitoring tool of good governance. On a voluntary basis, countries sign up to be peer reviewed by a team that assesses the country's performance based on consultations with government officials and civil societies. The last stage of the review involves the write up of a report to be submitted to the APRM secretariat for approval before it is sent to the organs of the AU. Thereafter, the country reviewed is expected to follow suit with the suggestions.[74]

The main limitations of the APRM stem from its voluntary and non-binding character. This renders the mechanism almost devoid of power. Therefore, review reports can be deliberately ignored by governments, without fear of sanctions. In addition, the AU is structured in such a way that allows non-democratic states to become and stay members. Indeed, unlike the EU, the AU has no thorough process for membership. Article 29 of the AU Constitutive Act stipulates

that any country can submit a request for membership to the president of the Commission. Upon voting by a simple majority of member states, the applicant state can become a member.[75] In the EU, membership to the organization requires that applicants first meet political and economic benchmarks, referred to as the "Copenhagen criteria," as stipulated in Article 49 and 6(1) of the treaty on the EU. Foremost, applicants must meet the political criteria that encompass democracy, rule of law, human rights, and respect and protection of minorities before the European Council opens negotiations.[76] With no filter for membership and a voluntary mechanism for promoting democracy, the AU struggles to enforce its commitment to good governance stipulated in its Constitutive Act.

2. *Direct Source of Democratic Deficit and the AU's Structural Reform*

After the dissolution of the OAU, the AU inherited the old structures. From the conception of the OAU project, no specific organ was created as a platform for popular participation. Indeed, the OAU Charter presents a structure strictly limited to government officials, and centers power in nation-states.[77] In an effort to bring the peoples' voice to the decision-making process, the AU established two additional bodies through which civil society and the African diaspora can influence the organization.

a. *The Pan-African Parliament*

Launched on March 18, 2004, the primary objective of the Pan-African Parliament (PAP) is to ensure that the peoples of Africa and their grass-roots organizations are given a platform to be more involved in discussions and decisions pertaining to the continent.[78] Modeled on the EP, the PAP was part of a greater project of the OAU to establish an African Economic Community (AEC) by 2025. Early talks on the establishment of the AEC and PAP took place in 1991 during the OAU summit in Abuja; thereupon the Treaty of Abuja was signed.[79] While the AEC was forgone to establish the AU, the PAP survived and a protocol was drafted and signed in 2001.[80] The PAP was initially meant to be a consultative body. Article 11 of the Protocol states that the PAP shall have only advisory powers for the first five years of its existence, after which a conference of signatory states will assess the effectiveness of the Parliament. Only when the states are satisfied will they give the PAP its full legislative powers.[81] The conference was scheduled for 2009, but when the time arrived for the PAP to turn into a full legislative body, the signatory states failed to deliver. Faten Aggad from the European Center for Development Management (ECDPM) in Maastricht, who conducts research on the AU's democracy instruments, argues that the PAP faced issues of governance, leadership, and mismanagement that hindered its potential for increased power. Furthermore, it was quite noticeable that the political will to empower the parliament was absent.[82] The outcome of PAP reviews are so heavily dependent on the will of signatory states that this puts the parliament at risk of undetermined probation even if it provides tangible positive results. Furthermore, PAP parliamentarians are selected by their national governments and serve as representatives of their states.[83] This sets the PAP drastically apart from its European counterpart, which since 1979 has held elections through direct universal suffrage. Furthermore, EP parliamentarians are organized along ideological lines rather than national blocs.[84] In addition, Article 11(2) of the Protocol declares that the PAP must discuss its budget and the budget of the Community and make recommendations thereon prior to approval by the Assembly.[85] Thus, the PAP is deprived of its

oversight function to ensure transparency and accountability of the other governing bodies of the AU. This is another major difference from the EP, which enjoys co-decision power with the Commission, and is granted veto, budgetary, and legislative powers.[86]

b. The Economic, Social and Cultural Council (ECOSOCC)

Launched on March 29, 2005, in Addis Ababa, the ECOSOCC was created as a platform for civil society organizations (CSOs) to take part in the building process of Africa. It serves as an advisory body to the AU, and is governed by a bureau of five regional representatives, a standing committee, and a general assembly of 150 members. The council includes CSOs such as professional groups, non-governmental organizations, labor unions, community, social, and religious groups.[87] The establishment of the ECOSOCC was considered a major step for the AU in its intent to include civil society in its decision-making. However, challenges to civil participation may hinder the Council's work. First, CSOs in many African states are weak. Labor unions, for instance, often cannot be effective, when over 80 percent of the people work in the informal sector or in remote rural areas. To include most people would require that grass-roots organizations be incorporated in ECOSOCC. This appears to be a tedious task.[88] Furthermore, Faten Aggad claims that for the 2008 elections of ECOSOCC, CSOs were nominated at national levels and registered by their own governments. This poses a problem when CSOs are not acknowledged by their governments. In Ethiopia, for instance, a law was passed earlier in 2009 criminalizing any foreign NGO and foreign-funded national NGO involved in issues related to gender, human rights, governance, etc. Under the premise of making NGOs more accountable and transparent, the Ethiopian government has effectively blocked a great deal of civil society activity. In such case, civil society at the domestic level is weakened, and the requirement that organizations be validated by governments can limit their participation at the AU level as well.[89]

V.   Whither the AU and EU?: Prospects for the Future

The EU Constitution and the Lisbon agenda have been rejected. This begs the question: What is happening in Europe? The rejection of both the Constitution and the reform treaty has revealed a major crisis beyond the democratic deficit. In fact, it has unveiled the growing frustration of European citizens toward the EU and their increasing concerns over the EU's ability to sustain a strong European social model. Anthony Giddens holds that Europe seems to have slowed down her steps since the fall of the Berlin Wall in 1989. The Cold War had been an important driving force behind the march to prosperity of the EEC/EU. Post-1989, Europe has perhaps celebrated too long the demise of the Eastern bloc, forgetting that the forces of globalization are still at work.[90] In addition, with a further expansion of the EU without adequate structural reforms to accommodate the enlarged union, fears of social "dumping" from new member states arose among the public. The enlargement also brought significant social and economic discrepancies between and within member states.[91] Laurent Cohen-Tanugi maintains that the Lisbon agenda, which intended to make Europe more competitive by 2010, was far from being achieved by 2005. High rates of unemployment, slow economic growth, and immigration issues fueled dissatisfaction and disenchantment within the EU. Therefore, it was easier for left-wing radicals and right-wing sovereigntists to point to the weaknesses of the EU to get the "No" votes.[92]

Where does Europe go from here? Is it the end of the European project? Hardly so. The EU is not dead. With over half a century of work, the EU has carved itself an important position in Europe. This supranational body has come to represent an influential entity with the geopolitical role of enforcing "democracy, the rule of law, and the spread of market economies."[93] It is not a perfect union, but it still presents great potential for the future. Indeed, the EU has much to deliver in fields like education, research and development, technology, immigration, and the environment. For years now, Europe has fallen behind in those areas, making the United States, China, and India more attractive global partners. The EU needs to pump more investment into those sectors, which are known to yield high returns. In addition, the European social model needs to be reformed. As it is now, the welfare system is no longer affordable for many states. France and Germany, among others, are struggling to cope with the expensive system, an aging population, and the problem of high unemployment. In contrast, other countries, like the U.K. and Scandinavian nations, are performing relatively better. European nations could learn from one another, but they should also adapt to their new realities.[94] In summary, what is needed is more EU influence in areas most pertinent to the continuous progress of Europe. A stronger Europe means an influential global partner and a more trusted authority by the European public.

For the AU, the prospects are not quite as bright. The Union is still struggling to establish its authority on the continent. Meanwhile, the people face harsh living conditions on a daily basis. The continent has been brought to its knees by a history of domination, exploitation, internal conflicts, incompetent leadership, and abandonment to its plight. Above all, the AU suffers the most from the fact that its nation-states are not prepared for the current form of globalization. If globalization, as it is now understood, is to bring "second modernity," in contrast to the notion of state-bound society that came with the first phase of modernity,[95] then one can see why African nations are struggling to cope. The formation of nation-state societies was prematurely curtailed by second modernity, consequently leaving the continent in the midst of chaos. However, change is not impossible. Considering that the AU is still relatively young, there is potential. First, African leaders must stop looking at the continent like one country. With a landmass four times as big as the United States, cultural, social, and economic differences are very significant, even within regions. Thus, people tend to respond more to a smaller scope, such as national governments or kinships. This makes it hard to cultivate a continental Pan-African identity. Many authors suggest—and rightly so—that the AU pursue its integration agenda through the already established Regional Economic Communities (RECs). RECs must work toward achieving development and income equality. Just like the EU, they should invest in key sectors, such as education, health, infrastructure, and agriculture. By pooling resources from their states, RECs can build regional solidarity. However, RECs are usually under-funded and their debt-ridden members can hardly sustain their contributions. Furthermore, most of these RECs are so outward-oriented that no internal market is well developed.[96] Nonetheless, the communities remain the most effective gateway for a continental unification.

Second, as long as the AU only pays lip service to addressing the needs of the continent, public involvement will remain low, if not non-existent. The AU must show tangible results. For instance, better leadership and competency are paramount. The AU needs to set the example for good governance, accountability, and transparency. It must also take a firmer stance toward member states that fail to embrace the values stipulated in the Constitutive Act. This will be far in the future, though, since governments that occupy strong positions in the AU (like Zimbabwe) are often criticized for their human rights and governance records. To sum up, the AU will need

time and a stronger commitment to accomplish its agenda. Until then, the move from the OAU to the AU will merely look like a drop of one letter. [97]

VI.   Conclusion

I started this research with the narrow idea of the role of democracy in a successful integration model. The subject was intriguing because, despite their different starting points, both the African Union and the European Union have come to face a legitimacy crisis. The answer seemed logically straightforward: democracy is important for regional integration. However, little did I imagine that the outcome of my study would expose greater issues behind the legitimacy crisis of the AU and the EU. Although the democratic deficit seemed at first to be the reason for the crisis, it only showed the tip of the iceberg. In Europe, the slowdown in the EU's achievements raised concern for its competence. In Africa, the multitude of economic, social, and political struggles challenged the abilities of the AU. In both contexts, the democratic deficit became part of the problem, not the only problem. What can we make of all this then? It all seems to come down to one conclusion: democracy is for sure important, but to have people mobilized and involved, they need to see tangible results and they need to know that the structure they have entrusted to ensure their collective well-being is keeping its promises. Therefore, the AU and the EU must put their houses in order to regain popular trust. Easier said than done, of course, but for them to survive into the future, adequate reform is imperative. Europe may be an unfinished adventure, to borrow Zygmunt Bauman's words, but for the adventure to continue, Europe must get back to work. As for the African Union, if the spirit of Pan-Africanism is to really materialize, it needs be internalized by African people. Doing so will require that the AU rethinks its priorities and its integration model. No one can build a roof before a house stands.

Notes

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[21] Blair 1999, p. 13.

[22] Europa 2009.

[23] Dedman, p. 112.

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