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Towards a People-Driven African Union

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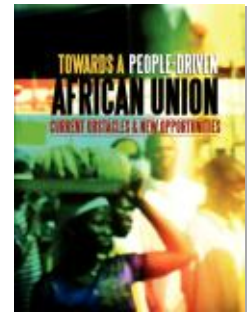
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2. BACKGROUND: THE AFRICAN UNION

African states created the African Union (AU) in the new millennium¹ to replace the Organisation of African Unity (OAU), in existence since 1963. The OAU was set up among other things to defend the sovereignty, territorial integrity and independence of African states and to eradicate all forms of colonialism from Africa.² The AU, by contrast, has the ambition to create ‘a united and integrated Africa; an Africa imbued with justice and peace; an interdependent and robust Africa determined to map for itself an ambitious strategy; an Africa underpinned by political, economic, social and cultural integration which would restore to Pan-Africanism its full meaning’³ and composed only of ‘democratic states respectful of human rights and keen to build equitable societies’.⁴

The African Union requires each of its member states to ‘promote and protect human and peoples’ rights, consolidate democratic institutions and culture, and ... ensure good governance and the rule of law’;⁵ promote peace, security and stability on the continent;⁶ and found its actions on essential principles such as respect for the sanctity of human life, promotion of equality between men and women, and condemnation of impunity and unconstitutional changes of government.⁷ The principle of non-interference in internal affairs was replaced by a principle of non-indifference to the problems facing African states and ‘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’⁸ as well as to impose sanctions on states failing to comply with the policies and decisions of the Union.⁹ Governments coming to power through unconstitutional means are not allowed to participate in the activities of the Union,¹⁰ and the Union is required to ‘promote democratic principles and institutions, popular participation and good governance’.¹¹

The adoption by the AU of the New Partnership for Africa’s Development (NEPAD) and the African Peer Review Mechanism (APRM), designed to review African states’ compliance with continental treaties and other standards, was a further mark of a new commitment by member states to respect for good governance, human rights and the rule of law.

This new vision was implemented at the institutional level by the creation of new organs, as set out in the Constitutive Act of the AU. The principal decision-making body remains the Assembly of Heads of State and Government, supported by the Executive Council of Ministers (made up of ministers of foreign affairs) and the Permanent Representatives Committee (which comprises the ambassadors accredited to the AU Commission in Addis Ababa). The OAU Secretariat was transformed into the AU Commission, headed by a chairperson, deputy chairperson, and eight commissioners appointed by member states, and substantially re-organised into new departments.¹² Two new institutions – the Pan-African Parliament and the Economic, Social and Cultural Council (ECOSOCC) – were designed specifically to increase the voice of Africa’s peoples in the AU’s decision-making procedures. Other institutions which have yet to be set up are the Court of Justice, financial institutions, and specialised technical committees responsible to the Executive Council.¹³ A protocol to the Constitutive Act providing for the establishment of a Peace and Security Council was adopted in Durban in July 2002.¹⁴

The responsibilities of the president of the continental body, elected from among their number by heads of state and government at the January session of the Assembly, also increased with the creation of the African Union. The president can now expect to be heavily involved in conflict resolution and other activities of the continental body. Since 2002, the rotational system of annual hosting and chairing of summits has passed through South Africa, Mozambique and Nigeria, and in 2006 arrived at the doorstep of Congo Brazzaville (see further below, on the decision on the presidency of the African Union). The country that holds the presidency of the Union also, during the same period, chairs the sessions of the Executive Council¹⁵ and the Permanent Representatives Committee¹⁶ of the African Union.

Documents adopted by the OAU, including the treaty establishing the African Economic Community¹⁷ and the African Charter for Popular Participation in Development,¹⁸ already recognised the important role of civil society in the work of continental integration – though the challenge was always to transform these commitments into reality. The African Union makes much more significant commitments, including to ‘build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples’,¹⁹ and to make Africans ‘both the actors in and beneficiaries of the structural changes engendered by development’.²⁰ The Commission notes that:

The decision to establish the African Parliament and the Economic, Social and Cultural Council (ECOSOCC), and to organise Pan-African integration associations, particularly women’s and youth associations, in the spirit of pluralism and respect for differences, and other civil society organisations should leave no one in any doubt about the commitment of African Heads of State to give concrete meaning to participation and partnership, and their will to make the African Union a tool to build a new equilibrium between state and non-state actors on solid foundations, a prerequisite for meaningful people’s ownership of and participation in the integration process.²¹

Since it was established the AU Commission has worked to put into practice the objectives of the Union. For this purpose, the first chair of the Commission, Alpha Oumar Konaré, former president of Mali, led a process of wide consultation leading to the drafting and adoption of a strategic plan, vision and mission for the AU Commission. The strategic plan for 2004–2007 set out five ‘priority programmes’, of which the second was to ‘actively involve African citizens at large and members of the diaspora in the process of building continental integration’.²²

The AU Commission has a staff complement of between 400 and 500, which, it contends, is inadequate to deal effectively with the new work being generated by the wider mandate of the AU compared to the OAU and the demands of member states: the AU Commission has to respond to the needs of twice as many countries as the European Union Commission with a fiftieth of the staff.²³ Member states did not approve the proposed AU Commission budget of US\$570 million for 2005; instead, only slightly over 25 per cent (US\$158.4 million) was approved.²⁴ Of this amount, assessed member state contributions support the core operating costs of the Commission of US\$63 million, while support for programmatic activities comes from voluntary contributions, by both member states and external donors. Of the assessed contributions of member states, 15 per cent of the budget is paid by each of Algeria, Egypt, Libya, Nigeria and South Africa.²⁵ Major donors to the AU Commission include the European Union.²⁶

A new management team for the AU Commission – chairperson, deputy and commissioners – will be elected at the AU summit to be held in Accra, Ghana, in July 2007. In the meantime, on the agenda for consideration at the January 2007 summit to be held in Addis Ababa is an ambitious proposal for the creation of a Union government, which would completely restructure the AU institutions.²⁷