

COMPARATIVE ANALYSIS OF AFRICAN UNION (AU) AND EUROPEAN UNION (EU): CHALLENGES AND PROSPECTS

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ABSTRACT

This paper undertakes a comparative analysis of African Union and its counterpart, European Union (EU). It argues that the architects of AU undoubtedly relied on the EU template that the two entities are not spatially apart, but temporary fifty (50) years apart. The paper adopts the qualitative method of data collection and analysis. It adopts the theory of comparative analysis, since as it were; it is a comparative analysis of AU and EU. The paper also suggests that African Union have to chart its own course, move at its own pace, find its own rhythm and write its own history. The paper takes cognizance of the established regional integrations as a panacea for Africa's unenviable deplorable economic and political conditions and analysis of the AU's challenges and opportunities, as well as performance to date.

Keywords: Comparative, Analysis, AU, EU, Prospects, Challenges

INTRODUCTION

On July 9 2002, 53 Heads of State from across the African continent gathered at a memorable session of the defunct Organization of African Unity (OAU) in Durban, the Republic of South Africa (RSA) to bid farewell to the organization and to welcome the new African Union (AU). Amidst the attendant fanfare and pageantry, African leaders, one after another, not only took stock of the OAU's accomplishments, but also heralded the new Union as the dawn of a new era for the continent and its peoples. The host President and the AU's first president, Thabo Mbeki, even promised that the Union would liberate the African people from their misery of abject poverty and perennial underdevelopment. Other delegates in Durban also hoped that the new pan – African construct would intensify intra – African economic activities, resolve socio – political crises, foster continental unity, and improve the region's visibility and profile on the global stage.

While the optimism among African leaders and delegates about the AU at the inaugural meeting was conspicuous and contagious, it took the Secretary – General of the United Nations (U.N.), Kofi Annan, to caution the gathering 'not to mistake hope for achievement.' It was an apt and timely reminder of Africa's poor record in following through on intra – continental agreements/treaties, where it seems they are more content with launching new initiatives than delivering on results. After all, had the OAU lived up its 1963 billings, it probably would not have been replaced with a new pan – African edifice in 2002. By most accounts, the OAU simply failed to deliver on many fronts, save a few areas, such as overseeing the end of white minority rule in southern Africa and the liberation of all African countries from colonial subjugation, and containing some border disputes.

For the most parts, however, the OAU's record of achievements was terse at best. The characterizations of the OAU's accomplishments during its almost 40 – year history by commentators have ranged from mild criticisms, such as 'did not bring nations of the continent together,' to scathing assessments, such as "did not

achieve anything.”(Ford, 2004:32-33) Poignantly, the OAU could not prevent many of Africa’s civil wars, among them, were the civil wars in Angola, Congo—Kinshasa, Liberia, Mozambique, Nigeria, Rwanda and Sudan in which millions of innocent lives perished, under the guise of the OAU’s infamous and loathed principle of “non – interference.” Also in the name of non – interference, the OAU stood idly by during the reigns of terror of the Idi Amin regime (Uganda), Jean-Bedel Bokassa (Central African Republic), and Sani Abacha (Nigeria). In a similar vein, the defunct pan-African organization could not resolve the row over Western Sahara to the satisfaction of its protagonists, viz., Algeria, Morocco, and Mauritania.(Zoubir, 2000: 43-74). In fact, Morocco withdrew from the OAU in 1986, and has the dubious distinction of being the lone sovereign African country to remain outside of the AU over the dispute— for admitting Western Sahara, first to the OAU, and then to the AU.

There is no doubt that the inception of the AU constituted an important epoch in the unfolding history of post-colonial Africa. However, in view of the foregoing grim assessment, how is the AU different, or plans to be different, and is it likely to deliver where its predecessor, the OAU, had not? To begin with, the AU, at least in its institutional set up, strikes a remarkable resemblance to that of the European Union (EU). Moreover, many observers have, correctly or otherwise, compared the AU to the EU. Is this a fair comparison? The purpose of this paper, therefore, to make a comparative analysis of African Union and European Union by analyzing the AU and its Constitutive Act, and to discuss the limits of the comparison between the AU and its European Union counterpart. This paper will argue that whereas the architects of the AU undoubtedly relied on the EU template, the two entities are not only spatially apart, but temporally (Fift years) apart. Hence, while it can be useful to employ tools and lessons from the experience of the EU to critically examine the AU, as we will do here, there are nonetheless, limits to the comparison of the AU and the EU. The AU will have to chart its own course, travel at its own pace, find its own rhythm, and write its own history.

The remainder of the paper is divided into five parts. The ensuing section two provides the context of the discourse by establishing the justification for regional integration as a panacea for Africa’s unenviable deplorable economic and political condition. The section that follows then provides an overview of the African continent’s experiences with regional integration initiatives. Afterward, the discourse shifts in section four to an examination of the main provisions of the AU’s Constitutive Act, particularly the new Union’s institutions and aspirations. Relying on relevant theories of integration, section five is devoted to an analysis of the AU’s challenges and opportunities, as well as performance to date. The last section concludes with some remarks.

THE IMPULSES FOR CHANGE FROM ORGANISATION OF AFRICAN UNITY (OAU) TO AFRICAN UNION (AU)

The advent of the AU had been in the making arguably since 1977, when African leaders acknowledged that aspects of the OAU Charter had become outdated and needed to be reformed, and unmistakably since September 9, 1999 at the organization’s fourth extraordinary session in Sirte, Libya, where African Heads of State agreed to create an African Union. At the OAU’s 36th ordinary session in Lomé, Togo on July 11, 2000, African leaders adopted the Constitutive Act of the AU. Soon afterwards, at its fifth extraordinary summit in March 1 – 2, 2001, again in Sirte, Libya, African leaders unanimously declared the formation of the AU. They further agreed that the Act would become effective one month after its ratification by two-thirds of its member states, that is, 36 countries. Whereas they expected the process to last longer than a year, on April 26 2001, Nigeria became the 36th member state to ratify the Constitutive Act, thus enabling the new pan-African agreement to enter into force on May 26, 2001. Shortly thereafter, at the 37th summit of the OAU on July 9, 2001, African Heads of State agreed to a one-year transition plan for the transformation of the OAU to the AU. At the same meeting, President Mbeki of South Africa was elected the AU’s first president for one year, and the newly elected Secretary-General of the OAU, Amara Essy, was assigned the important task of overseeing the transition process.

The OAU, which was founded on May 25 1963, had become a relic of itself and the post-colonial era, because by the end of the 20th century, virtually every African country, whose cause for self – rule it championed had gained independence. Indeed, the accession of the RSA to the OAU in 1994 meant that an important mission of the OAU – ending colonial subjugation of the African people – had been accomplished. It was, therefore, no longer necessary for the OAU Charter to include “self-ride” as a moral imperative. Another imperative of the august organization was to coordinate and intensify the cooperation and efforts of member states to achieve a better life for the people of Africa. Yet, the evidence after almost four decades of existence was that the African condition was more dreadful than at the inception of the OAU. At the dawn of the 21st century, for example, the gross national product (GNP) for sub-Saharan Africa (SSA) was roughly \$437 billion and \$700 billion for Africa in current terms (The World Bank, 2006).

In other words, in 2004, the estimated 800 million population of Africa generated only 6% of the national output produced by the 294 million people of the United States, or less than the much smaller populations of say, Canada (\$905 billion), Mexico (\$705 billion), and Spain (\$919 billion). Put differently, Africa’s share in world total output declined from an already abysmally low of 3% (1975) to 2% (2005), while its share of global exports declined from almost 6% (1975) to a dismal 1.7% (2005) (IMP, 2006), and its share of Foreign Direct Investment (FDI) dropped from almost 10% (1975) to a paltry 2% (2005) (UNCTAD, 2006). Even intra-African trade in 2005 remained at a dreadful 10% of the continent’s total trade volume (imports at 11.3% and exports at 8.7%).

It is therefore not surprising that roughly 63% of the countries in the World Bank’s group of low-income countries were Africans as well; all the welfare indices Human Poverty Index, Human Development Index; and Physical Quality of Life index– are generally low for the African people. For example, according to the UN’s 2005 Human Poverty Index for Least-Developed countries, 31 of the 39 ranked countries were African. Similarly, in the 2006 Human Development Report, 29 of the 31 lowest ranked countries were from Sub – Sahara African (SSA). In short, the African continent was not as integrated as it should, and it continued to exist on the fringe of the global economy. For instance, many African countries are still better connected to the outside world than to countries on the continent.

Additionally, the ostensibly perpetual conflagrations of the continent as well as the worsening economic and social climate for its people are sad reminders of the inadequacies of the OAU and its organs. Not only have conflicts within African states become nastier and bloodier, but they have also sometimes spilled across national frontiers, thereby quickly turning what are initially civil wars into inter-state conflicts. The carnage and chaos that such conflicts have left in their wake have exposed the gross ineptitude of the OAU in achieving one of its primary aims– enhancing the unity and solidarity of African States. In an age of instantaneous dissemination of (bad) news, these flashpoints across the African continent embarrassingly illuminate the inadequacy of the OAU, having to wait for external assistance/intervention to resolve the continent’s myriad, mostly intra–state skirmishes. The emerging consensus was thus that the OAU was obsolete and incapable of tackling the problems of the new millennium. As indicated above, the OAU had not successfully facilitated the development of the African people or integrated its economics. To that end, Africa needed a new pact to re-invigorate its stagnant and underperforming economy.

Meanwhile, the ideal of pan–African cooperation *cum* unity dates back to the eve of Africans independence when for example, a group gathered in Manchester, the United Kingdom, to promote freedom, justice, equality, and economic welfare for all African people. This aspiration culminated in the founding of the OAU on May 25, 1963, although the provisions of the OAU Charter clearly fell short of what the pan–Africanists had longed for. Pan -Africanists like Kwame Nkrumah of Ghana and Julius Nyerere of Tanzania had respectively called for Africa to unite (Nkrumah, 1963) and to create a United States of Africa (Nyerere, 1963), when the OAU was founded. (Nkrumah, and Nyerere, 1963: 1-6). The two leaders, who led their respective countries into independence and became their countries’ first post-colonial presidents called for the formation of a supranational pan – African government as an expression of continental solidarity and policy coherence. In essence, they could be described as African Federalists, who subscribed to a ‘big bang’

approach to African integration; even if it meant that the newly independent states of Africa had to cede part of their sovereignty to pan – African supranational structures, including a pan – African parliament, a pan – African court, and an African government. These “federalist school” proponents essentially waited a big bang transformation of post—colonial Africa in order to optimize its potential benefits of a United Africa, including the tapping of the continent’s abundant resources (Lodge (ed) 1983:6-23).

Some of their contemporaries, however, did not share the enthusiasm for the seemingly hasty federalist strategy, even though they believed in African cooperation, unity, and development. In this category of African leaders were the erudite Leopold Senghor of Senegal and Houphet Boigny of Côte d’ Ivoire, who felt that it was too soon after independence to speak of a supranational pan-African government, let alone share their National Political Autonomy with it. Rather, these leaders called for functional cooperation on sundry issues among the sovereign states of Africa. They argued that the pursuit of a pan-African government was ill – advised, because it was like putting the cart before the horse. For them, economic integration must precede political integration, and strengthening the national order must precede any pan – African construct. In general, proponents of this school of thought associated a pan – African government, for which they had no appetite, with the final and highest level of regional integration. To get to that stage of regionalism, they argued, relevant sectors of the economy must first be integrated. Thus, they subscribed to a “gradualist” strategy, and, more importantly, espoused a relatively loose inter-governmentalist association (Lodge, 1983).

Notwithstanding their philosophical differences, African leaders kept the dream of continental regional integration alive. First in July 1977, the OAU backed an earlier resolution to create an economic community in gradual stages. Then, in April 1980, it reiterated the gradualist strategy in the Lagos Plan of Action and the Final Act of Lagos (LPA) in calling for the creation of an African economic community by 2000, purposely for stimulating the development of African economies. Thirdly, in June 1991, the OAU signed the Treaty of Abuja, which would, in six phases gradually create an African Economic Community within 34-40 years. The treaty which entered to force in May 1994, was designed to coordinate, harmonize, and progressively integrate existing and future sub-continental regional economic groups (REGs), particularly via the continent’s five main RUGs, viz., AMU (northern Africa), COMESA (northern/eastern/southern Africa), ECCAS (central Africa), ECOWAS (western Africa), and SADC (southern Africa). The ultimate goal of the ABC was to achieve a common market that would enable unencumbered movement of goods and services across the continent. Thereafter, the OAU operated under two legal instruments, viz., the OAU Charter and the Treaty of Abuja. It was thus known as the OAU/AEC until the AU supplanted it in July 2002 at the 38th summit of the OAU.

Against the backdrop of the foregoing, therefore, when Muammar Gaddafi proposed a United States of Africa at an OAU summit in Sirte, Libya in- 1999, for instance, the idea was by no means novel. He was essentially resurrecting and echoing an idea that the forerunners of pan – Africanism, inter – alia, Nkrumah and Nyerere, had floated four decades earlier. However, like his forerunners, Gaddafi had been greeted with skepticism, not so much from within Africa as from outside the continent. Critics wondered if he had an ulterior motive, as they did about Nkrumah and Nyerere back in the 1960s. In the same vein, when Thabo Mbeki suggested an alternative ‘easy does it,’ gradualist approach at the Durban summit, he was echoing sentiments that had been espoused by the likes of Boigny and Senghor forty years earlier.

THE CONSTITUTIVE ACT OF THE AU

To recapitulate, in the 1999 Sirte Declaration, African leaders agreed to transform the OAU to the AU. In July 2000, African leaders adopted the African Union Constitutive Act in Togo, which entered into force in May 2001. So, what is in the Constitutive Act? Broadly, it comprises 33 articles.

Respectively, Articles 3 and 4 deals with the objectives and principles of the Union. Specifically, Article 3(a-n) include, inter – alia, achieving greater unity and solidarity between the people of Africa and the continent’s countries, defending the territorial integrity and independence of member states, and accelerating

the political, social, and economic integration of the continent . Furthermore, the AU aims to defend and advance Africa's common position on issues of interest to it and its people, support international cooperation with a view to relevant international treaties, and promote peace, security, and stability. The AU also aims to promote democracy, human rights, sustainable development, policy coordination and harmonization between Africa's regional communities, and research and development.

Similarly, the Constitutive Act outlines 16 principles in Article 4 (a – p) that shall guide the activities of the Union, including sovereign equality and interdependence among member states, the participation of the African people in the Union's activities, the establishment of a common African defense policy, the prohibition of the use of force or threat to use force among its members, and non-interference by any member state in the internal matters of another. The principles also include the right of any member state to request intervention from the Union so as to restore peace and security, as well as the right of the AU to intervene in a member state as regards war crimes, genocide, and crimes against humanity. Other guiding principles include the promotion of gender equality, self – reliance, and social justice, respect for democracy, human rights, the rule of law, and good governance, as well as condemnation and rejection of unconstitutional changes of government. Articles 5 through 22 of the Constitutive Act cover the inclusive nine institutions of the Union, viz., the Assembly, the Executive Council, Specialized Technical Committees, the Pan-African Parliament, the Court of Justice, three financial institutions, the Commission; the Permanent Representatives Committee, and the Economic and Cultural Council.

The Assembly of Heads of States and Government, whose composition and operating rules are spelt out in Articles 6 through 9, is the Union's supreme organ. It shall meet at least once annually in ordinary session, and may meet in extraordinary session at the request of any member state, subject to approval by two-thirds of the member states. Furthermore, Article 6 (4) of the Constitutive Act stipulates that the Office of the Chair of the Assembly shall be held by a Head of State or Government for one year, According to Article 7, the Assembly shall take its decisions by consensus, by a two-thirds majority, and by a simple majority (on procedural matters) While Article 8 deals with the rules and procedures of the Assembly, Article 9 spells out the functions of the Assembly, setting, inter – alias, setting the policies of the Union, adopting the Union's budget, review applications for membership, establishing any institutions of the Union, appointing and terminating the judges of the Court of Justice, and appointing the Chairman of the Commission and other Commissioners.

The Executive Council comprises the Ministers of Foreign Affairs or other ministers, and meets at least twice a year in ordinary session. It may also meet in an extraordinary session upon request by a member state, subject to approval by two-thirds of the Union's members. Like the Assembly, voting in the Executive Council is by consensus, two- thirds majority, or a simple majority. Article 13 of the Constitutive Act outlines the functions of the Council, which include the coordination and formulation of policies in areas of common interests, such as foreign trade, agriculture, environment, science and technology, nationality and immigration issues, and setting up an African awards mechanism. The Executive Council is responsible to the Assembly.

The Specialized Technical Committees (STCs) are responsible to the Executive Committee, and Article 14 of the Act provides for seven of them. They deal with (a) rural economy and agricultural matters, (b) monetary and financial affairs, (c) trade, customs and immigration matters, (d) industry, science, and technology, (e) transport, communications, and tourism, (f) health, labor, and social affairs, and (g) education, culture, and human resources. The Committees shall be composed of relevant Ministers or senior officials, and meet as often as necessary. They are also responsible for supervising, following up, and evaluating the implementation of decisions by the other organs of the AU.

The Pan – African Parliament (PAP) Article 17 of the Constitutive Act provides for the creation of a pan-African parliament, purposely to enable the African people to participate in the development and economic

integration of the continent. Its composition, powers, functions, and structure are to be defined at launch time.

The Court of Justice Article 18 of the Act makes allowance for the establishment of an African Court of Justice (ACJ). As noted earlier, its justices will be appointed by the Assembly. Its statute, composition, and functions are to be defined later, presumably by the time it is inaugurated. Once the ACJ is established, it shall be responsible for, inter— alia, interpreting the provisions of this Act (Article 26).

The Financial Institutions The Act calls for the creation of an African Central Bank, an African Monetary Fund, and an African Investment Bank. Their rules and regulations are to be defined later, most probably at inception.

The Commission of the AU is the *de jure* secretariat of the Union, and is based in Addis Ababa, Ethiopia, the headquarters of the Union (Article 24). The Commission is headed by a Chairman, who, along with his or her deputy/deputies, and other Commissioners, is appointed by the Assembly. The Chairman and his/her colleagues are supported by a bureaucracy. The structure, functions, and regulations of the Commission are also to be determined by the Assembly.

The Permanent Representative Committee (PRC) composed of Permanent Representatives (ambassadors) of member states to the AU. It is responsible for preparing the work of the Executive Council, and for acting on Council's instructions. The Act empowers it to set up sub-committees or working groups as it deems necessary

The Economic, Social, and cultural Council (ECOSOCC) comprises different social and professional groups of the member states, and functions as an advisory body of the AU. Its powers, functions, and ancillary matters relating to the body are to be determined by the Assembly.

The two paragraphs of Article 23 of the Act address the imposition of appropriate sanctions on member states that default on their financial obligations to the AU, and that fail to comply with the Union's decisions and policies. Appropriate sanctions are defined as the denial of the right to be heard at AU meetings for payment defaults, and the denial of communication links with other member states for the latter infractions. The remaining provisions of the Constitutive Act address a range of pertinent issues, such as working languages – African languages, Arabic, English, French, and Portuguese (Article 25), signature, ratification, and accession (Article 27), entry to force of the Act (Article 28), admission to membership process (Article 29), suspension of governments that come to power through unconstitutional means (Article 30), the process for withdrawing from the AU (Article 31), the process for amending and revising the Act (Article 32), and transitioning from the OAU to the AU, and ancillary issues (Article 33).

PRAXIS AND ANALYSIS

In this section, we will analyze the AU enterprise in practice, focusing on, inter-alia, the similarities between the AU and the EU, and some of the challenges the AU faces in its pan-African integration journey ahead.

COMPARATIVE ANALYSIS

Foremost, it is instructive to note that many of the articles of the Constitutive Act were transferred from the 1991 Abuja Treaty that launched the AEC. This should not be surprising, because the Act incorporated and replaced the AEC. Institutions such as the Assembly, the PAP, and the ACJ were previously mooted in the defunct AEC. It is further instructive to note the striking similarities between the institutional structures of the AU and of the European Union, at least on paper. Indeed, the architects of the AU have not hidden the fact that the AU was modeled on the EU. The late President Gaddafi admitted as much in an interview that he drew his inspiration from the EU experience. (Nevin, 2001: 10-13) Likewise, at the July 2001 OAU summit in Zambia that dealt with the transition from the OAU to the AU, "several references were made to the

African Union being loosely based on the European Union model. To underscore the point, following in Table 1, is a quick snapshot comparison of the institutional structures of the AU and the EU.

Table 1: Overview of AU & EU Institutions

Role/Function of Institution	African Union	European Union
Provides overall strategy and political direction	The Assembly of Heads of State and Government	The European Council (of Heads of Government/State) & Commission President.
Coordination and formulation of policies	The Executive Council of the Ministries of the Ministers of Foreign Affairs, or other Ministers	The General Affairs Council, or the Council of the EU
The secretariat – the cabinet and the bureaucracy	The Commission of the AU; headed by an appointed Chairman	The Commission of the EU; headed by an appointed President
Legislature	Pan – African Parliament (PAP); presently an advisory body	European Parliament (EP); power function of the legislative procedure being employed; assent power
Judicial Review	African Court of Justice (ACJ)	European Court of Justice (ECJ); apex court of EU
Ambassadors	Permanent Representative Committee (PRC) of members state to the AU	Committee Of Representatives (COREPER II) Of Members States to the EU
Expert Committee	Specialized Technical Committees (STCs)	COREPER I
Advisory Corporatist Structure	The Economic, Social, and Cultural Council (ECOSOCC)	Economic and Social Committee (ECOSOC)

According to Table 1, the AU’s “Assembly of Heads of State and Government” is comparable to the EU’s European Council, because both are their respective Union’s supreme organ. However, unlike the European Council whose presidency is rotated every six months among its constituent member countries, the AU’s Assembly is chaired annually by one of the Heads of State or Government of its members. In other words, whereas the European Council is led every six months by a member country, the AU Assembly is led by an individual who is elected for a period of one year. Further, on the similarities of the institutions of the Two Unions, the “Executive Council” of the AU is analogous to the Council of Ministers, especially the General Affairs Council, or the Executive Council (for other ministers) is comparable to the Council of the EU. The analog of the EU’s Committee of Permanent Representatives/ambassadors (COREPER II) is the AU’s Permanent Representatives Committee (of ambassadors), and the AU’s Specialized technical Committees is analogous to only the EU’s COREPER I (of technical experts). Obviously, the ECOSOCC of the AU is comparable to the Economic and Social Committee (ECOSOC) of the EU, especially given their advisory functions to their respective Unions.

Other key institutions of the AU and the EU that share similar names are the Commission, the Court of Justice, and the Parliament. While the three aforementioned institutions are firmly established in the decision-making structures of the EU, respectively as the cabinet/bureaucracy, the judiciary, and the de facto lower legislative chamber of the EU, the AU’s institutions are still evolving. The functions of the AU organs, while stated in the Constitutive Act, have yet to be fleshed out. There is a lot that the Constitutive Act has left to the AU Assembly to decide regarding the functions and powers of the three institutions. These are to be accomplished in special protocols for each institution. For example, whereas the AU’s Commission and PAP are taking shape, the ACJ exists only in the abstract at this point. So far, it has no address, no judges no

staff, and no implied or explicit powers, Even for the other two institutions, which are already being metamorphosed, there is still a long way to go before they can genuinely stack up to their EU counterparts with regard to the breadth and scope of their powers. For instance, the initial role of the PAP is advisory and consultative, and is expected to convene at least twice per annum. The PAP is expected to ultimately evolve into a bonafide legislative body as a conduit for the full participation of the African people in the development of the continent. There is no doubt from the foregoing about the similarities of the names and functions of the major institutions of the AU and the EU, what is yet unknown is whether the AU's institutions will eventually develop the sophistication, the reputation, and the expertise with which their EU counterparts are associated. For example, will the PRC evolve into a powerful decision-making body that its EU counterpart, the COREI'ER, has become? Only time will tell.

Another area where we can draw parallels between the EU and the AU is with regard to their goals. Although they arrived at their respective goals from different experiences, the aspirations are similar. Both Unions, for example, hope to use regional integration to promote peace, stimulate economic growth, achieve solidarity for their people, and strengthen their international profile/stature. To be sure, the experiences of two world wars in the 20th century in particular necessitated the EU, in the hopes that rapprochement between France and Germany would help to establish everlasting tranquility in Europe, following which economic integration would be possible. With regard to the AU, Africa has had its share violent civil and inter-state wars. Many observers have also pointed out that the frequency of wars in Africa compromises economic strategies on the continent, because the resultant instability scares away potential capital and risk-averse investors. That, in turn, reduces domestic capital formation. So, just as the EU has used regional integration to foster and promote peace via an increasingly interdependent economic structure, the AU also needs regional integration as a vehicle for promoting pan—African peace, in order to enhance the prospects for positive economic results. In short, the AU needs to make Africa's economies more mutually interdependent among its constituent members; that can only happen if they trade more with one another than they currently do in a South -South context. Indeed, as we have learned from the experience of the EU, perhaps the single most remarkable achievement of the EU is the assurance that war is an unthinkable option for conflict resolution within the EU, which makes long term strategic decisions/planning by economic actors possible. In turn, that leads to economic benefits, which further reinforce political stability. After all, and according to maxim, "borders frequented by trade seldom need soldiers"

CHALLENGES

Size and Decision-Making: One of the major challenges that the AU faces is its sheer membership size. At over 30 member states, potential pitfalls that could stall and even reverse the progress of the AU are manifold. They include, but are not limited to, decision-making moving at the pace of a snail (at the speed of the slowest member), or even grinding to a halt. Unlike the EU which had the luxury of starting its regional integration journey with only six countries, although it was unintentional, it was relatively easier to forge consensus on many issues. According to neo-realist theory, given that nation-states are rational actors and behave in self-interested manners, and are influenced by domestic actors, (Keohane, 1986) achieving consensus on sundry issues at the supranational (international) level may be painstakingly difficult. This will particularly be daunting for a Union of 53 member states, each with its own interests, and from which the AU will have to forge consensus or mobilize two-thirds votes on substantive issues, in order not to become paralyzed by virtual inaction and become adrift.

The 1965 Empty Chair crisis is a vivid reminder of how decision-making can grind to a halt, even in a supranational structure that comprises as few as six member states. (Daltrop, 1986: 30-32), The EU is also instructive in how increasingly difficult decision-making has become as it widens its membership. The AU does not want to create the impression in the minds of member states and the African people that it is just like its predecessor, the OAU, renowned for its diplomatic niceties and rhetoric, but no action. If the AU turns out to be a talk shop, it could prompt calls within democratic African societies for their countries to withdraw. Indeed, even if member states contemplate withdrawing from the Union, especially because of frustration

with inaction, the perception could be damaging to the credibility of the AU. Although from a decision-making standpoint, the fewer the member states, the better, any withdrawal of membership from the AU will likely be viewed negatively. Other things being equal, it is typically preferred to gain members than to lose members in regional integration schemes because the former signals progress and could result in the possibility of assuming more responsibilities at the supranational level (spillover effect), while the latter portends that all is not well, and increases the probability of postponing/suspending (new) integration initiatives, or abandoning them altogether (spillback effect) (Lindberg and Scheingold; 1970:135-140).

Although the AU stipulates that decisions shall be by consensus or by two-thirds majority that could still be difficult to achieve on even ostensibly innocuous issues. Therefore, what the AU ought to consider as quickly as possible is streamlining how it makes decisions, for instance, by identifying those areas of its enterprise where perhaps a simple majority of its membership should suffice. Waiting for every/most AU members to get on board on all/most issues could be costly (and slow down the integration momentum), because odds are that decision—making in a 53—member AU will move at the speed of its slowest member(s). The AU could thus develop a framework that is similar to the EU’s “constructive abstention” mechanism that would allow some of its more progressive members to press ahead on some policy areas (Laffan, 1992).

Disparate Economies: Similar to the observation about the sheer numerical size of the AU membership, whereas the EU that started with six relatively equal and cohesive economies, measured in per capita income, the 53 AU members economies manifest wide development dispersions, measured in both GNP (capacity to support economic ventures) and ONI’ per capita (purchasing power). The continents economic sues ranged from a high of \$165 billion (Republic of South Africa) to a low of \$0.3 billion (Guinea Bissau) in 2004. Similarly, the continent’s GNP per capita ranged from a low of \$90 (Burundi) to a high of \$4,640 (Mauritius) in 2004. The challenge from the foregoing is how to get all the countries to work together, such that they are able to pool their diverse economic capacities and diversify their economies for the benefit of all. What’s more given that sovereign states sign on w regional integration schemes because they expect the resultant trade creation to exceed the associated trade diversion, or they expect a net economic benefit, the challenge is for the AU to come up with mechanisms that will help distribute the attendant benefits of pan—African integration proportionately and fairly between landlocked and littoral states, and between large and small countries, such that the undertaking yields a win-win outcome for all participants. Otherwise, dissatisfied and impatient members may pull out of the AU, especially if they believe that they are not getting maximum benefits of integration. Such was the case with the East African Community, when it was dissolved in 1977, ten years after it was launched, because acrimonious charges and countercharges among its three members about the uneven distribution of the gains of integration.

Following through on commitments: In view of the record of the OAU and the history of African countries with regional integration, a relevant question to pose is, will the AU follow through on its commitments in the Constitutive Act? For example, although the Constitutive Act included the right of the Union to intervene in a Member State in respect of grave circumstances (Article 4) the AU quietly amended the provision in 2003 by watering down the grounds for intervention. Apparently the provision, along with Article 3 (2) of the Constitutive Act, which had been widely hailed as one of the boldest statements by African leaders, and a profound improvement on the defunct OAU, was amended apparently because of the Bush administration’s decision to invade Iraq in 2003 Irrespective of the justification, the amendment is a chilling reminder of how African leaders tend to put their own personal interests above their nations’— clinging on to power by all means, even if it means that their people continue to subsist on the fringe of the economy. One unintended terrible consequence of the amendment that perhaps serves the interest of a few despots is the on-going atrocities in Sudan, a signatory member of the AU. At the height of the genocide in western Sudan, which has already for instance, the AU initially dispatched a 60-member AU Mission in the Sudan (AMIS) observer team in spring 2004, which the AU Assembly revised upward to 80 a couple of months later. By October 2004, the Executive Council for Peace and Security decided to expand AMIS into a full-fledge peace-keeping undertaking, and as a result of which it eventually deployed up to 7,000 military personnel in Western Sudan by 2006, most of whom were from Nigeria and Rwanda. claimed at least 300,000 lives and

has resulted in the internal displacement of another 2.5 million Darfurians in refugee camps in Sudan and in neighboring Chad, the AU has been incapable of a strong and decisive response. Instead, all it has been able to muster is, at best, an incoherent, feeble, and tentative response, while over thousands of lives continue to perish.

Another eyesore in the AU's docket is the deteriorating economic, social, and political situation in Zimbabwe. Here again, both at the continental level, (i.e the AU) and at the sub—continental level (i.e the SADC), African leaders closed ranks with President Robert Mugabe in the face of wide spread international criticisms of his tenacious and brutal hold onto power, as he even boasted after a hastily called meeting of the SADC in Tanzania that “not even one (SADC leader) criticized Our actions.”

Functioning Supranational Organs: The AU also needs to expedite the creation of certain supranational institutions, most notably, the Court of Justice. The Court is vital for adjudicating disputes and interpreting the provisions of the Act. Although the Assembly is expected to stand in for the ACJ until it debuts, according to Article 26 of the Act, the arrangement is nonetheless fraught with potential problems. First, having a group of Heads of State and Government adjudicate cases that could well involve them smacks of the old ways of doing business in many African countries— the absence of a bona fide separation of powers. What if the dispute is between the Assembly and another institution of the AU? How would the Assembly be able to recuse/disqualify itself from the case even if it wanted to? It reeks of a potential conflict of interest. Secondly, could cases that were previously decided by the Assembly be appealed to the ACJ after the debut of the apex court? In short, one of the lessons learned from the experience of the EU is that functioning supranational institutions have been helpful to its successful evolution.

Moreover, the challenge for the ACJ is to quickly establish its authority and autonomy through both implied and explicit powers granted it once it debuts. The ACJ will have an important role to play in the pursuit of pan—African integration, not only in establishing the importance of the concept of rule of law in the AU, but also in ensuring that the Consultative Act and the Treaty of Abuja are designed to create more than a giant free trade area. If the AU wishes to replicate the success of the EU, as *(Lodge (ed), 1983: 6-23)* notes, it must be borne in mind that

‘During long years in which the political development of the Community seemed to have ground to a halt, it was the Court that kept alive the vision of the Community as something more than trade alliance. In a sense the Court created the present day Community; it declared the Treaty of Rome to be not just a treaty but a constitutional instrument that obliged individual citizens and national government officials to abide by those provisions that were enforceable through their normal judicial processes.

Financing the AU Another potential challenge for the AU is how it finances its obligations and commitments in the Constitutive Act. On the one hand, given the history of African countries with the REGs, and the penchant to fall behind on the payment of their dues, especially when faced with equally important, but competing obligations/commitments, how will the AU fund its expenditures? This challenge is particularly daunting because of widespread poverty and uneven levels of development within and between African countries. This raises an important issue about the readiness of member countries to assume the obligations of membership, which includes the ability to routinely pay annual dues to the coffers of the Union. On the other hand, the best we can discern from the Act is that the budget will rely on member states' annual dues and fines that are imposed on recalcitrant members. Whereas annual dues are more predictable, sanctions are too unreliable as a major source of revenues, particularly if enforcement is lax. Hence, how the AU finances its ambitious programs and institutions is worrisome,

A helpful and vivid illustration of the implications of the budget challenge is the AU's tepid response to the crisis in Darfur. It has had to rely on external sources, primarily the EU (\$100 million) and the US (\$45 million) to fund the \$220 million deployment of its AMIS military personnel in Darfur. Another illustration

is the funding of what has evolved as the economic pillar of the AU's AEC strategy— the New Partnership for Africa's Development (NEPAD). Touted by its chief architects as an African solution to African problems, it is ironic that a handful of African Presidents have had to travel almost annually to G-8 meetings, first to get the approval of the group of affluent countries, and second, to solicit aid for the initiative's myriad ideas.

Perhaps what the AU needs is a country or a few countries that would function as its paymaster, much like Germany bankrolled European integration as a net contributor virtually since the inception of the EU. Simultaneously, the AU needs a country or a group of anchor countries to provide much-needed leadership, something akin to the Paris-Berlin axis of the EU. The AU needs its own paymaster and economic locomotive engine. Perhaps only South Africa has the economic diversity and financial wherewithal to support the AU, but the question is if South Africa has the desire to play the role.

Popular Participation: Conspicuously absent from the discourse about both the AU and the NEPAD in most African countries are the ordinary African people. Save a few countries, the issue of establishing an African Union or the NEPAD was not widely discussed, if at all, in most African countries. For two initiatives that their architects argue will transform the African society, it is worrisome that the growing African civil society was nowhere to be seen or heard from during their edifications. Indeed, even years after both initiatives were launched, most Africans know very little, if anything about them. What is particularly troubling about this is that even among academics of African descent, most of those whose disciplines are outside of the social science know very little about both the AU and the NEPAD. If African academics have a very fuzzy understanding of the AU and the NEPAD, what then can we expect of average Africans? How can we then expect the masses to appreciate the two ostensibly home-grown constructs that supposedly will springboard African renaissance?

The challenge for the AU, its Commission and its constituent members, therefore, is to devise effective ways of disseminating information about the AU, NEPAD, the PAP, etc. to the public and engaging the African people. The relationship with the Africa public has to be both top—down and bottom—up, and not merely top—down and elitist. Additionally, the AU Commission and member government need to devise ways to properly and adequately train the bureaucrats at the frontline (e.g., border posts, embassies, etc.) of the regional integration enterprise. Customs and immigration officers need to realize that they are vital to a successful implementation of the AU and the NEPAD in terms of facilitating increased, intra-African trade and investment— two critical engines of growth and development by not turning off and turning back would—be investors/businesses from other African countries. 'They need to understand that legitimate investors need not always come from the North or from outside the continent.

CONCLUSION

The foregoing discussion demonstrates that regional integration is a potential panacea for Africa's deplorable condition, and the AU is a positive development in that direction. However, as the discussion also shows, sharing the same names with EU institutions do not mean that the AU will have a similar experience as the EU. For starters, their historical circumstances are different. Moreover, the EU started with a group of only six affluent countries, while the AU started with 53, mostly impoverished countries that vary widely in population, economic size, per capita income, and so forth. Similarly, as Kofi Annan reminded African leaders in 2002, the AU's task is daunting indeed, because, unlike the EU, it is "a larger geographical space to cover with far fewer resources.'

Nonetheless, there are glimmers of hope. For example, one of the major achievements of the AU thus far is how quickly its member states ratified the Constitutive Act almost one year ahead of schedule. Given the continent's unenviable history of dragging its feet on important issues, the Act was ratified by the required two thirds of the OAU members within a year. It might be a sign of positive/great developments in the future of the continent. It might also be a testimony to an appreciation of the sense of urgency by Africa's new

leaders. Another major landmark in the young Union is the launching of the pan—African Parliament in March 2004, when the body held its first meeting at its Midrand, South Africa home. Again, member states ratified the protocol setting up the parliament in record time. The establishing protocol of the PAP provides for five members (including at least one woman) per AU member state. The PAP which convenes at least twice a year and merely functions as an advisory and a consultative body is headed by an elected President and four Vice Presidents.

A third encouraging development is the adoption of the NEPAD initiative at the 2001 Lusaka summit as the AU's economic blueprint/policy, arguably, the closest example of sectoral emphases and perhaps of functional spillover in the Union. Another closely related positive development is the Peer Review mechanism, which encourages member States to submit their macroeconomic strategies for review by independent experts in Africa. A final glimmer of hope is the immediate reaction of the AU, led by its then Chairman of the Assembly. President Obasanjo of Nigeria to reverse the 2003 coup d'état in Sao Tome and Principe, in accordance with Article 23 (2) of the Constitutive Act, which calls for the suspension of any member state whose administrative regime comes to power through unconstitutional means.

In order for the AU to succeed, each of its institutions must function according to the provisions of the Act. The Union must enhance its financial mechanism. That is, in typical EU lingo developed its "own resources." The Commission must work effectively with over institutions at the supranational level, which simultaneously working with member states' functionaries. The provisions of the Act must be actualized, including allowing civil societies access to the arena for policy initiation, policy formulation, policy implementation, and policy adjudication. The AU should be about the African people, and as such should have relevance at the grassroots level. It seems that the people of Africa have been largely left out of the process, because they seem to know very little about the AU, or policies such as NEPAD and the Peer Review process. This has to change by being more relevant in the streets of Africa, and by bringing decision-making closer to the people if the AU hopes to deliver. Otherwise, Africans will react as they did with respect to the predecessors of the AU— yawn, cynicism, and skepticism. The AU and the regional integration undertaking must be a people's enterprise, and not elitist.

REFERENCES

- Baimu, E. & Sturman, K. (2006). What price intervention," *Africa Week*, February p. 30- 31
- Conference SADCC (1992). See "African Leaders Sign Treaty" in *Financial Times*, August
- Daltrop, A. (1986). "Political Realities: Politics and the European Community London:Longman,
- Ford, N (2004). United we succeed, "News Africa, March 29,: 32—33; "Alga/ha/i tells African Leaders 'If only we had listened to Nkumah, " London: Praeger.
- IMF (2006). 'Direction of Trade Statistics Yearbook 2006 (Washington, D.C)
- Keohane, R. (ed), (1986): "Neorealism and Its Critics" 'New York: Columbia University
- Laffan, B. (1992). "Integration and Co—operation in Europe" London: Rout ledge.
- Lindberg, L.N. & Scheingold, S.A. (1970). "Europe's Would-Be Polity" Englewood Cliffs, N.J.: Prentice-Hall
- Lodge J. (ed) (1983). "The European Community ", London: Frances Pinter
- Nevin, T. (2001). 'Exit OAU, enter AU," *African Business*, September P. 10—13.
- Nkrumah, K. (1963). "Africa Must Unite" New York, Praeger, Vol. I, 1-6.
- Nyerere, J. (1963)."A United States of Africa," *Journal of Modern Studies*, New York, Praeger, Vol. 1, 1-6.
- Ojo, O. (1985). "Regional Co-operation and Integration," in Olatunde Ojo, D.K. Orwa, and CMI Utete, *African International Relations*, London Press,
- The World Bank (2006). 'World Development Indicators 2006" (Washington, DC)
- UNCTAD, (2006): World Investment Report,
- UNDP (2005). United Nations Development Programme, Human Development Report 2005, www.undp.org
- Waltz, K. (1979): "*Theory of International Politics*" Massachusetts:
- www.africa-union.org"Profile: Organization of African Unity (OAU)/African Union," Zoubir, Y (2000)'Algerian— Moroccan Relations and their Impact on Maghribi Integration," *The Journal of North African Studies*, vol. 5, Autumn 2000:43-74, London: Praeger.