

# AN AFRICAN UNION FOR AN EMERGING CONTINENT: REFORMS TO INCREASE EFFECTIVENESS

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## THE PRIORITY

Late in 2014, as the Ebola crisis escalated, a popular African newspaper carried an opinion piece entitled, “Where is Africa?” (Ndemo 2014). This question was in reference to the fact that the African Union (AU)—which was expected by many Africans to lead the effort against the epidemic—was missing in action. The author suggested that the AU should have immediately called for an “Ebola Summit” to discuss the crisis and find ways to deal fully and effectively with it. Instead, the AU was absent and left the job to governments and organizations from outside the continent. (For more on the Ebola epidemic see **“Fighting Ebola: A Strategy for Action.”**) In the case of other African crises during the last several years, the AU has behaved similarly—it

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Besides addressing crises, the AU is also charged

with the responsibility of coordinating continent-wide development efforts and serving as the voice of Africans in matters of global governance. Tackling the most pressing issues on the continent—including accelerating “the political and socio-economic integration of the continent;” helping “promote and defend African common positions on issues of interest to the continent and its peoples;” promoting “democratic principles and institutions, popular participation and governance;” and promoting “peace, security, and stability on the continent”—calls for the participation of a supranational organization such as the African Union (African Union 2000). Increasingly, however, observers both in and outside the continent are noting that the AU is either not willing or not capable of carrying out its objectives effectively.

A well-functioning and effective AU is crucial to the social, political and economic advancement of Africa. For a continent comprised of 54 countries that vary widely in terms of land size, population, ethnic and religious diversity, and levels of development, the organization that is expected to serve as the primary centralized coordinating institution in uniting Africans in advancing their joint welfare and enhancing their peaceful co-existence must be one that (1) fully understands and appreciates the multifarious problems that currently confront the continent; and (2) has the capacity to carry out

the required policies and also has the legal authority to do so.

Of course, the AU cannot function effectively if it is pervaded by incompetence, limited resources, corruption and other bureaucratic inefficiencies. Thus, the key to making the AU a successful instrument and powerful voice is reconstructing and reconstituting both the institution and its organs so as to create a political and bureaucratic institution that functions according to the rule of law and serves as a true representative of the wishes and aspirations of the broad cross-section of African people. It is only such an efficiently run organization that can deal effectively with the multifarious problems that currently plague the continent.

## WHY IS IT IMPORTANT?

### The Organization of African Unity: The Need for One African Voice

The desire to unite Africans under a centralized institution has been an important goal of Africans, dating back to the years during which they fought the European colonialists for independence. The most important development in the effort to unite the continent came with the formation of the Organization of African Unity (OAU) on January 25, 1963. The OAU was expected to serve as an instrument or mechanism for forging unity and solidarity among African states. It was also expected to advance cooperation among countries in order to enhance and promote economic development, improve the quality of life of all Africans, encourage and make possible the peaceful settlement of disputes, expand inter-country trade, and advance democracy. An important core mandate of the OAU was that it fight to eliminate any vestiges of colonialism on the continent, including South

Africa's race-based apartheid system. The 1991 Abuja Treaty, which aimed to create an African Economic Community through a gradual process with full political and economic integration, significantly expanded the mandate of the OAU.

Unfortunately, the OAU failed to undertake or accomplish many of these important tasks, especially promoting and institutionalizing democracy. In fact, from the late 1950s to the early 1990s, the continent was pervaded by military dictatorships, single-party regimes, and generally governments that were unaccountable to the people, highly corrupt, and acted with impunity. Thus, the OAU, which came to be considered by many observers as a "club of dictators," lacked the moral standing to serve as an effective voice for Africa.

In addition, the OAU was unable to perform its function as the continent's peacemaker—its charter's stipulation of non-interference with the internal affairs of other countries limited the ability of national governments to intervene when it was determined that state- or non-state actors in member states were committing atrocities, for example, against innocent civilians. The consequences of this inactivity on the part of the OAU were serious violations of human rights, exploitation of vulnerable groups, and many cases of ethnic cleansing. Examples include the failure of the OAU to intervene and stop the violent activities of dictators such as Idi Amin (Uganda), Mobutu Sese Seko (Zaire/DRC), Muammar Gaddafi (Libya), Hosni Mubarak (Egypt), and Sargent Samuel Kanyon Doe (Liberia). Perhaps, most glaring is the failure of the OAU to effectively and timely prevent the massacre of Tutsis and their supporters in Rwanda in 1994. Due to its many challenges, the OAU was dissolved in 2002 and replaced by the African Union,<sup>1</sup> which was founded on a revised

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<sup>1</sup> Morocco is the only African country is not a member of the African Union—in 1984, Morocco officially withdrew from the OAU to protest the admission of the Sahrawi Arab Democratic Republic (SADR). The SADR claims sovereignty over all of the Western Sahara, which Morocco believes and argues is part of its territory. Although South Sudan was admitted as the 54th member of the African Union shortly after it gained its independence in 2011, it has yet to sign and ratify the Constitutive Act.

charter addressing the weaknesses of the OAU, but carrying on its major goals. Unfortunately, the AU seems to have inherited the OAU's approach to the performance of its functions as evidenced by the failure of the organization to effectively and timely spearhead the peaceful resolution of destructive conflicts in South Sudan, the Central African Republic and Mali.

## Economic Development

On the development side, although the AU has produced and disseminated relatively elaborate and well-defined policy initiatives (e.g., New Partnership for Africa's Development, NEPAD), for the alleviation of poverty and the empowerment of women, among others, the implementation of these plans has been quite poor. The AU has recently formulated a long-term development plan dubbed "Africa 2063: Unity, Prosperity and Peace," which outlines a strategy to guide the continent's development for the next 50 years. Unfortunately, even after a decade of the AU's existence, poverty remains widespread throughout the continent, women continue to be oppressed and exploited, and Africa remains at the periphery of both the global economy and the international governance system. These failures are directly related to a number of factors, including low financing, weak leadership organs and limited genuine representation of the general public.

## Regional Integration

The AU is expected to spearhead the continent's regional integration effort and help provide viable regional integration units, which could serve as mechanisms for cooperation in investment, provision of infrastructure, management of the environment, and growth and development. Unfortunately, in reality, it is unlikely that the proposed Continental Free Trade Area (CFTA)—a carryover from the Abuja Treaty—will come to fruition by 2016 because a large number of issues at the regional economic

community level remain unresolved. While several regional integration units do exist in the continent today (e.g., East African Community (ECA), Economic Community of West African States (ECOWAS), among others), many have not provided the necessary enabling environments for greater cooperation and trade. As a result, trade among members has not increased significantly. Perhaps more important is the fact that some of the protocols establishing regional economic communities have not yet been implemented, which is in part failure of the AU as it is tasked with coordinating and working with regional economic communities in expediting the implementation of various integration plans. By and large, many of the key development proposals remain statements of intent and lack actual implementation. It is for this reason that some observers have referred to the AU as a "talk shop" (Essa 2013).

## The Post-2015 Agenda

Some of the key development issues that the AU is expected to spearhead in 2015 include presenting a coherent African position on the post-2015 Millennium Development Goals. Here, the AU needs to push for goals that reflect the actual needs of Africans. Although the African Union has already released its Common Africa Position on the Post-2015 Development Agenda that includes its own vision for 29 Sustainable Development Goals, AU negotiators must participate fully and effectively in the talks at the U.N. so that the African platform is given a proper hearing. (For more on the Post-2015 Development Agenda, see **"Africa Looks Forward to the Post-2015 Development Agenda."**) To successfully enhance the African agenda, the AU needs strong leadership and well-qualified technical staff—two things that critics have argued the body lacks. In addition, to amplify the African voice, many people inside the continent have called on the AU to narrow down the scope of the AU's goals to focus on those that affect the largest number

of Africans, are Africa-specific (and hence, are unlikely to be lobbied for by other countries), and are least likely to be vetoed (Carin 2014).

## Peace and Security

Africa still suffers from violent mobilization by various ethnic and religious groups. However, the AU—despite the fact that, unlike the OAU, it has the mandate to intervene in these crises—has been unable to deal directly with this violence, as seen in intractable civil conflicts in the Democratic Republic of Congo, and South Sudan, as well as the increasing threat of terrorism by groups such as Boko Haram, al-Shabab, the Lord’s Resistance Army, and al-Qaida in the Islamic Maghreb (AQIM). Although there have been some notable successes such as in the case of Somalia, the failures stand out. In many respects, the AU has either been extremely slow to intervene in various conflicts in the continent or has done so ineffectively. In fact, the African Union effort in Central African Republic (MISCA—*Mission internationale de soutien à la Centrafrique sous conduite africaine*) was considered a total failure. These short-term missions have not been the only disappointments: The launch of the African Standby Force has already been delayed several times, even though it was expected to have been established and made operational by 2010—largely due to limited resources from the member countries. An additional obstacle to the AU’s efforts to bolster peace lies at the Heads of States level as they are expected to provide guidance on such matters.

## Good Governance and Corruption

The AU has played and continues to play an important role in bringing about improvements in domestic good governance, accountability and transparency. It is empowered to impose sanctions in cases of non-democratic transitions of power or where parties to conflicts refuse to en-

ter into negotiations to resolve disputes—as it threatened to do in the recent events in Burkina Faso. The AU has also been involved in matters of management of natural resource wealth and especially in pushing for member countries to sign international protocols that deal with corrupt practices. The AU took another step toward addressing these issues at its June 2014 summit when leaders amended the protocol of the African Court on Justice and Human Rights, allowing the group authority over “...corruption, money-laundering, human and drug trafficking, and piracy...” (Allison 2014). However, the AU’s progress on these matters has generally been incredibly slow—and in a few cases nonexistent and even regressive. In several countries, executives have manipulated national constitutions in order to extend their stay in power, and, in doing so, have caused political regression. In addition, although elections have become the norm, many of them are marred by chaos, vote theft and rigging, intimidation of opposition leaders, and violence. The AU does not appear to have a clear strategy to deal with erosion of democracy and has not been fully prepared to play the crucial role of helping prepare the electorate in each country to deal with any post-election violence.

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Corruption also remains widespread and theft of resources and illicit capital flows continue unabated—and the AU does not seem to have a clear strategy to deal with them. The problem of illicit capital flows is particularly worrisome because some of the key actors involved are the country leaders who make decisions at the AU Assembly forums.

## Crisis Response and Mediation

The Ebola crisis in West Africa has revealed major weaknesses in the AU, spurring calls for reform in the institution's operations. The main weakness here is the absence of emergency response action plans and also the failure by the AU to prioritize key issues that matter to the African people. This arises primarily from the fact that the AU is not represented at the grassroots and as a consequence, the African people's priorities are not reflected in the institution's responses. In fact, the AU seems to avoid many continent-wide and regional issues. One particularly important matter in which it has failed to provide leadership is the conflict over management of the allocation and utilization of water in the Nile River Basin, a contentious issue with the potential to degenerate into a major conflict. Avoiding difficult issues makes the AU largely irrelevant and is a situation that needs to change.

## Providing a Global Voice

Finally, one thing that Africans expect is that uniting 54 nations greatly enhances the continent's standing in the arena of global governance. As noted previously, the AU, as authorized by these countries, is the legitimate representative of the continent on matters of global governance. Despite its size and large population, however, Africa's impact on global governance is marginal. In some situations, the African voice is ignored or even treated with disdain. Similarly, Africa does not really have much effective input into matters of international justice, as evidenced by the utterly undemocratic role played by the U.N. Security Council in various international governance issues. The International Criminal Court's focus on Africa in prosecuting individuals suspected of war crimes, crimes against humanity and other atrocities is another example of a situation for which the AU has expressed concern

and that requires attention. (Murithi 2013; Kimenyi 2014).

This marginalization is also true when the international community is dealing with other issues such as the challenges of climate change, international financial flows, the flow of goods and services, global security, transnational terrorism, and corruption in international business transactions—problems vital and often disproportionately detrimental to the continent. The AU must pursue reforms to global institutions—such as in the U.N. Security Council—with determination and zeal and must not relent (*Daily Nation* 2014). The AU should push for the inclusion of at least two permanent membership seats for Africans.

## WHAT SHOULD BE DONE IN 2015

Despite these challenges, the African Union has, by all accounts, performed much better than the OAU. For example, although there are still many countries under autocratic rule, democracy is more widespread in the continent today. In addition, the AU has become more active in peace operations—a good example is AMISOM (the African Union Mission in Somalia).

In the previous discussion, we have highlighted the various critical roles expected of the African Union and its apparent failures. In light of these priorities and disappointments, it is critical that this necessary organization undergoes key reforms and is restructured so that it can become a more efficient instrument for the economic and political transformation of Africa. These reforms include:

- 1. Financing:** As noted above, a serious problem that the AU faces in meeting its task has to do with inadequate funding. This has been particularly apparent in dealing with emergencies such as conflicts between various groups within a

country and the Ebola crisis. The delay in the creation of an African standing army is also mostly due to lack of resources. There are two interrelated problems when it comes to financing in the AU: low levels of funding through member country contributions and a high dependency on donors. The low funding by members is the outcome of an inadequate process of setting levels of member contributions and also enforcing compliance. Reliance on donors essentially constrains the choices and priorities of the AU and forces the institution to focus more on the interests of donors. The AU should adopt reforms that increase contributions from member countries and ensure timely payment. These could include instituting specific earmarked taxes and increasing the share of contributions by members accompanied with clear compliance enforcement.

- 2. Leadership:** The issue of leadership is at the heart of the effectiveness of the AU and is particularly timely given that the Assembly of Heads of State will select a new chairperson in 2015. Like the OAU, the heads of state chair the organization on a rotational basis—there are no minimum standards of the quality and character of those elected to that position. The result has been that some of the chairs of the AU are individuals whose performance as heads of state, especially in the areas of democracy, accountability, transparency and human rights, is totally at odds with the ideals of the union. Under the leadership of such heads of state, pushing for progressive reforms has been quite difficult and often ignored.

Internationally, this leadership has undermined the reputation and credibility of the AU. Thus, African countries need to revisit the qualifications of the chair.

- 3. Strengthening the AU Commission:** The African Union Commission is the institution's implementing organ. Unfortunately, this is a weak organ and its implementing capacity is quite inadequate. The authority of the chair of the commission is limited, which has a significant impact on his or her ability to make the decisions necessary to advance the organization's mission. A key and necessary reform involves increasing the decision making authority of the chair of the commission so that he or she can more effectively implement decisions without delay. As the African Union Commission Chairperson's current term will expire in 2016, 2015 is an important year to consider these reforms.
- 4. Grassroots Representation:** The AU's ineffectiveness is, in many respects, due to the fact that it is quite often unable to fully appreciate the issues and problems facing Africans at the grassroots. This is due partly to the fact that the AU does not operate as a fully representative organization. One way to remedy this problem is to establish an AU parliament where members are elected directly by the voters in their respective countries. Such a representative assembly should enhance the ability of Africans to participate more fully in continental governance and make certain that the policies advanced by the AU reflect their interests and values.

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