CHAPTER FOUR

Institutional regional integration in Africa: a case of the Pan African Parliament

The objective of this chapter is to investigate the Pan African Parliament as a case study. Firstly, it will set the contextual framework by looking at Pan Africanism in history and then examining the characteristic nature of African regionalism. These include the question of ideology and symbolism in African integration, as well as issues of sovereignty versus supranationality. These issues will be addressed based on Ernst Haas's (1970) relevant generalisations on African integration. Additionally, treaties and decision making power dynamics will be explored in relation to how power is delegated to institutions, offering insight into the role of technocrats in African Union institutions. Finally, the environment of policies and collective bargaining will be examined by appraising the African Union as an arena of intergovernmental bargaining. It is argued that insight into the role of institutions (in particular the Pan African Parliament) in a largely intergovernmental African integration arena will entail asking fundamental questions of whether institutions matter in African regionalism. This will be tackled by interrogating the motivations and interests for their emergence. Institutionalists that study European integration argue that institutions matter in integration (Miller 2000; Bulmer 1998). Although not as ambitious as the thesis of neo-functionalists (Haas 1958; Schmitter 1969), who predict the emergence of perhaps a new regional political entity, institutionalist similarly position their discourse on how institutions may acquire certain levels of supranationality not previously envisaged by their designers.

As such, the chapter also delves into the public administration of African regionalism. It will focus specifically on the policy and implementation framework within the regional intergovernmental bargaining space (treaties; protocol) and on regional as well as multilateral institutions that drive the African Economic Community (AEC) and the

relationships between them. This is crucial to the study because it sets the policy and institutional environment within which the Pan African Parliament is expected to perform its functions as an integrative institution.

4.1 Historiography

This section will focus on the modern beginnings of the idea of a Pan African Parliament, which it can be argued began also in the early stirrings of Pan Africanism, from the late nineteenth century to the present. The idea of Pan-Africanism is largely associated with the birth of nationalism and the independence of African states or nations. Geiss (1974: 7) perceives this view of Pan Africanism (which began in 1958 with the first two Pan African conferences on African soil) as the narrow view of Pan Africanism. The history of Pan Africanism however, goes back far beyond the independence of African states. In fact Thompson (1969: 3) cautions that a narrow view of Pan Africanism is limiting as there are "historical factors which gave rise to Pan Africanism before it found a base in Africa." These historical factors can be traced to the early inclinations to Pan Africanism which began in the Diaspora before 1900 (Legum 1965:14; Geiss 1974:11). These early stirrings were inspired by the growing recognition of the African continent as the continent of origin by African American and other Africans in Diaspora. Moreover the growing awareness of the need to stand together against slavery and discrimination of the African peoples and the need for political and social emancipation was deepening among Africans of the New World and Europe.

Pan Africanism seems to engender different definitions from different authors. For instance Legum (1965: 14) conceptualises Pan Africanism as "a movement of ideas and emotions". According to Geiss (1974:5) Pan Africanism represents the economic, technological, social and political modernisation of a whole continent while in certain circles, Pan Africanism stands for political and socio-economic African unity (Thompson 1969: 19). From the foregoing, one can surmise that Pan Africanism can be viewed from both intellectual and emotional perspectives. In this sense, although Pan Africanism was

a progressive movement towards the modernisation of the continent, it was also spurred and sustained by vigorous sentiments and ideology.

4.1.1 Pan-Africanism in history

Marcus Garvey in the early 20th century envisioned a "United States of Africa, strong enough to lend protection to the members of the race scattered all over the world and compel the respect of the nations and races of the earth" (Garvey Philosophy and Opinions Vol 2 pp 32 cited in Ajala 1973: 97). It may be important at this stage to note that allusions to African unity in this section is conceptualised as both the early ideas of unity in terms of the solidarity of the race all over the world and also as the continental movement towards the socio-political and economic integration of African states.

Pursuant to the discourse on the history of the Pan African movement, it will be necessary to rid this section of any attempts at romanticising the issue of Pan Africanism by considering only views about a continent committed to unity and self deliverance. In fact investigating the history of Pan Africanism one also notes a series of disjointed and opposing attitudes towards the issue of African unity and the development of the continent as a whole. For instance, while all Pan African movements had the goal of the betterment of the peoples of Africa in mind, it was largely an ideological process, championed by a distinct class of Africans and Africans in Diaspora, elitist and sometimes individualistic. This point is annotated in the personalisation of the Pan African movement and ideological differences between early Pan Africanists such as Marcus Garvey and W E Burghardt DuBois.

A perusal of the role of these two early champions of Pan Africanism reveals elitist, ideological and sometimes individualistic leanings. DuBois for instance deserves particular mention in the history of the Pan African Movement considering that his four Pan African congresses and his great talent as a writer endeared him to many a Pan Africanist and historian. However, Geiss (1974: 258-262) views DuBois's Pan Africanist

history as an intellectualisation and romanticising of the African cause. This is seen in his earlier moderate stance along with white liberals and his later deviation from his moderate intellectual stance on Pan Africanism to quixotic philosophising of the Pan African cause. Some authors do not share this view however, because while Ajala (1973:101) agrees on DuBois's deep intellectual merit, this merit is interpreted as a notch up Marcus Garvey's repudiation of realistic and practical movements towards African freedom.

One cannot talk of post World War I Pan Africanism without mentioning Marcus Garvey and his radical Universal Negro Improvement Association. Garvey strove for an African nation, where all peoples of African descent can make their own way. There was considerable opposition to some of his views and actions which were seen as radical, from the black community in Africa and in the Diaspora. This is typified by the heated debates between leading delegates to Du Bois's second Pan African Congress over Garvey's slogan "Africa for the Africans" (Geiss 1974: 246). Nonetheless, Garvey labelled these opposing voices primary among them Du Bois as moderates and black intelligentia. Ajala (1973:101) argues that Garvey's idea of a united Africa became the pivot of Pan Africanism. However, with a narrow frame of reference in terms of the implementation of these ideas, Garvey could only offer a new Africa created in the image of the white world which was his only frame of reference. Additionally, there was an imperialistic element (Geiss 1974: 279-280), and an extravagance (Ajala 1973:101), to Garvey's quest for liberating the African peoples, and a distancing from the realities within colonised Africa. Geiss (1974: 279-280) goes into more detail about the business empire that Garvey moved to establish and the flamboyance of his course.

During this period, there was a split in the Pan African movement, with the irreconcilable programmes of Du Bois and Garvey, and the personality clashes between the two individuals (Thompson 1969: 42). Ajala (1973:101) elucidates on the discrediting of Garvey by Du Bois and Geiss (1974:279-280) concentrates his thesis on the attack on Du Bois by Garvey. The individualism and elitism represented by Garvey and Du Bois

respectively, the divided views and the tendency towards rhetoric and ideologues reveals an early rift in the Pan African movement.

The history of Pan Africanism within the African continent was not devoid of challenges either. Colonisation and decolonisation in Anglophone Africa was marked with some level of political access of the African peoples to nationality and identity. Geiss (1974: 12) surmises that the process of decolonisation in British colonies was a democratic and peaceful one due to the opportunities albeit limited, it offered to African peoples, through a considerably free press, beginnings of a parliamentary system and limited political participation. This unique position possibly fomented the aggressive nationalistic trajectory in British West Africa and early Pan-Africanism.

Pan Africanism in other European colonies was slow and sometimes insignificant. In Francophone Africa for example, it was not until 1958, when Sekou Toure (later Guinean President) stood for independence that participation in the Pan African movement became strong. Otherwise, Francophone West Indies and Africa were obsessed with the idea of "assimilation" (Thompson 1969: 98), which represents the struggle for political and social emancipation within the French political system rather than outside it. In fact at the height of Garvey's work in Liberia in the 1920s, when there was growing Pan Africanist movements, Blaise Diagne a Senegalese member of the French Chamber of Deputies declared in unequivocal terms that "none of us aspires to see French Africa delivered exclusively to the Africans (Ajala 1973: 98; Thompson 1969:103). Thompson (1969:106) describes French colonised Africa as the "sluggards of the Pan African movement".

In addition to this internal variance, the history and the present reality of African unity and African integration, have one constant. The constant is, indisputably the role and the influence of the West otherwise known as the World powers in Africa. For instance, Ajala (1973) contends that there was another power manipulating early Pan African movements, that of the British, French and American Administrations which saw these moves as threats to their interests and needed the status quo to remain the same. Geiss

(1974: 271) also makes mention of the role of pressure from the colonial powers in the demise of Garvey's plans for Africa. In continental Africa, a point has also been made of the role that external interests played in the demise of African Pan Africanists like Kwame Nkrumah in Ghana and Patrice Lumumba in the Congo (Mazrui & Tidy 1984:: xix) From the beginning of the displacement and colonising of African peoples to the present, this appears to be one constant. This may be termed the external concurrence, due to the common goals of these powers which largely is the protection of their own interests.

Still, it should be noted that divisions and disagreements were not unique only to the development of the African continent. In fact Nugent (1999:3) contends that the history of Europe has been characterised much more by divisions, tensions and conflicts than by commonality of purpose and unity of spirit. Threats to the move towards an organised Europe in the latter part of the 19th century were the growth of new states like Germany and Italy. Nationalism became more important to many emerging nations like the Poles, Slavs, and Romanians, which in turn became a threat to the existence of larger European empires. Moreover there were other divisive issues such as language and religion. The comparative research implication of how Europe was able to organise itself to consider the common visions and development and the motivation behind what Nugent (1999:5) describes as "dramatic and suddenly found" co-operative relationships between European nations, may be important for interrogating Africa's regional integration.

4.1.2 The Nature and spectrum of Pan Africanism

A political argument for establishing a Pan African Parliament rests on the enduring ideology of African Unity. Pan Africanism can be dated back to before 1900s in the light of the studies on the trans-Atlantic slave trade and the movements for the freedom from slavery. Although there has not been much work on the beginnings of African integration and regionalism in Africa, one can reason that based on these studies on the trans-Atlantic slave trade and the clamour for the freedom from slavery, African efforts

towards regional integration in turn can be traced back to the beginnings of Pan Africanism. The unity of purpose at the time which was emancipation from slavery and inequality, led to the various movements towards bringing African interests together for this purpose (Walvaren 1999:85, Geiss 1974: 8-15).

The following represents the continuum of political levels or movements of Pan Africanism as distinguished by Geiss (1974:4). One can position these movements from the broader conceptualisation of the term Pan Africanism to its narrower representations.
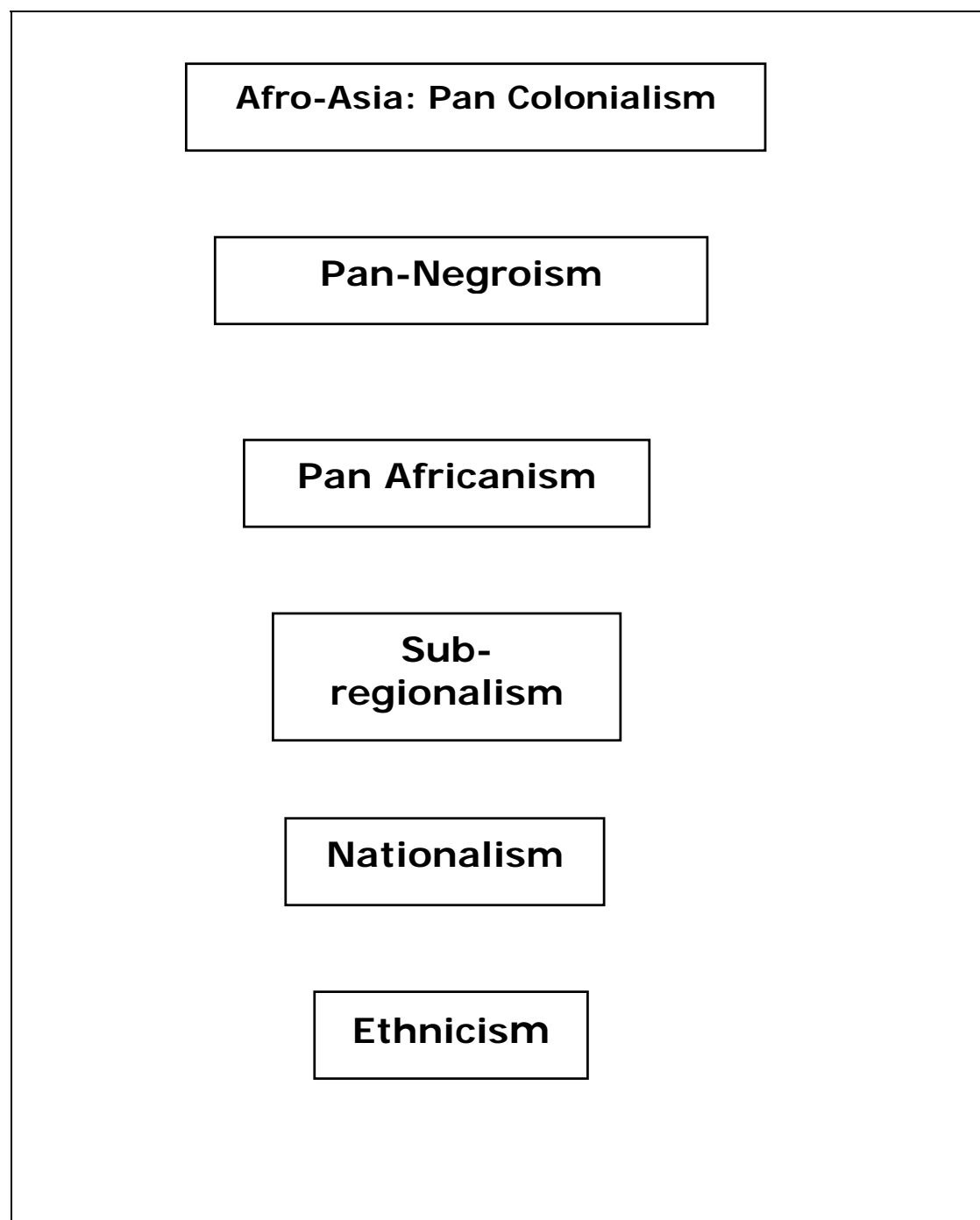
Afro-Asia: Pan Colonialism

Pan-Negroism

Pan Africanism

Sub-regionalism

Nationalism

Ethnicism

Figure 4.1: continuum of Pan Africanism (adapted from Geiss 1974:4)

Here, pan colonialism is seen as a movement of all coloured and colonial peoples: Afro-Asian solidarity movement, Pan-Colonial or Pan –Coloured). Pan Negroism is viewed as a movement defined in racial terms (Africans and Africans in Diaspora excluding Arabic North-Africa). Pan Africanism represents a movement concentrated solely on the unity of the African continent (excluding Africans in Diaspora): unity of Sub-Saharan Africa and the unity of the entire African continent. Then there is sub-regionalism which is seen as the development of sub regional unity as a precursor to continental unity (British West Africa for a start and later the other regions like East Africa). Nationalism is a national level effort where implementation of concrete emancipation actions took place in the form of nationalism. Finally, ethnicism represents an ethnic level which developed and flowed into a national action. From the foregoing, a whole spectrum of Pan Africanist theorising is observed tracing the concept of African unity to early times from movements aimed at all coloured peoples to those that were defined by race and even narrower to those defined by ethnic groupings.

There is general consensus that the journey of Pan Africanism was an intellectual and elite led endeavour (Walraven 1999:86; Geiss 1974: 3). It was dominated by educated Africans in the Diaspora and later by Africans within the continent, exposed to Western education or influence (Walraven 1999:86). There were movements organised by Africans in Diaspora like Henry Sylvester Williams (The African Association), Marcus Garvey (The Universal Negro Improvement Association) and Dr. W.E.B DuBois (The National Association for the Advancement of Coloured People: NAACP). Although these organisations had the equality of African Americans as a central theme there was an unmistakeable connection to the African continent in terms of racial solidarity and mobilisation of all Africans everywhere.

The first Pan African Conference was put together by Henry Sylvester Williams a West Indian Barrister practising in London. This was the first organised move towards Pan Africanism and attended by delegates mostly from America and the West Indies (Ajala 1973:4; Geiss 1974:8). This first organised international movement to unite Africans and Africans in the Diaspora under a united vision was aimed at protesting against white

colonialists, bringing people of African descent through out the world in closer touch with each other and to begin a movement which would ensure full rights and promote the business interests of all African races living in civilised countries (Ajala 1973: 4). A list of the participants at this first conference read like a gathering of scholars and intellectuals. Representing Africa were Benito Sylvain, ADC to the Emperor Menelik Abyssinia, F.S.R Johnson, ex Attorney General Liberia, G.W Dove City Councillor in Freetown Sierra Leone and A.F Riberio Lawyer from Gold Coast (Ghana). From the USA were professors, lawyers and church ministers and from the West Indies came Lawyers, literary experts, a land surveyor.

The elitist dimension of Pan Africanism is significant in the sense that certain theoretical standpoints in regional integration emphasize the role of the elite as opposed to governments in regional integration. For instance, theoretical thoughts on European regional integration also focus on neo-functionalism where the role of the elite on the integration of Europe through the EU Commission is emphasised.

4.1.3 Motivations for early African unity (Pan Africanism): slavery, World wars

Deeper integration of Europe was spurred at different times by certain social and international events. This is significant when interrogating the motivations behind early and current efforts towards African integration movements. In the case of Europe, issues such as diversity, war, nationalism, state formation come up. For instance, the twentieth century saw two great wars which originated in Europe and spread across the world. There is general consensus (Nugent 1999:6, Archer 2000:3), that the Second World War provided the foundation for the EU as it is known today.

Globalisation also played a part in the emergence of the EU of today. This is because with the post World War II international institutionalisation of economic co-operation between nations through the IMF, World Bank and GATT (WTO), there seemed to be

greater opportunities for global trade (Nugent 1999:15). With these opportunities, it became more difficult for states to act independent of each other as bi, and multilateral agreements grew between states in the West, East and West and even North and South. For the sake of national preservation, this gradual interdependence between states became almost inevitable. With this trend, the states of Europe became more interdependent, conducting most trade between them; thus, regional response has become desirable through co-operative arrangements. The following section explores possible catalysts to the drive towards early Pan Africanism and to a large extent the idea of African regionalism and/or regional integration.

Slavery

Shepperson (1960:312) in describing the early development of Pan Africanism located this movement within "a complicated Atlantic triangle of influences". Relative to this, in creating a historical model that attempts to explain Pan Africanism, Geiss (1974: 8-15) unambiguously locates his argument in the "triangle" of the transatlantic slave trade, this being Western Europe (England especially) – Africa (British West Africa (Ghana and Nigeria in particular) and – the New World (USA and West Indies).

There were early (eighteenth and nineteenth century) rumblings of Pan Africanism from West Africa (Ajala 1973), which has the historical adversity of being the hottest spot for the transatlantic slave trade, providing the largest contingent of slaves. For instance, Ottobah Cugoano from Ghana, and an Ibo ex-slave Equiano (Gustavus Vassa), began criticising the slave trade and discrimination of the black race (Geiss 1974: 9). In the New World, the West Indies in particular provided the stage for slave revolts, specifically the revolt led by Toussaint L'Ouverture (Thompson 1969:4) which led to the independence of Haiti in 1804 the first black independent state in contemporary history.

The two World Wars

An impetus was added to the development of the Pan African movement and ideology in the two World Wars. Some African historians and political scientists (Geiss 1974; Ajala 1973) contend that these wars provided a catalyst for the rapid growth of Pan Africanism. Correspondingly, it is of study interest to note that wars also played a huge role in the formation of the European Union. From the 17th century to the 19th century, nations in Europe interacted with each other on the basis of wars and diplomacy was like a bridge between one war ending and another beginning (Archer 2000:2). It seems as if war was always central to the evolution of the EU as the first and second World Wars were instrumental to the future formation of the European Union.

The experience of African American and African soldiers in the exposure to World War I and their experiences after the war may have spurred the burgeoning of Pan Africanism. In Africa, sentiments mounted to the need for Africans who were "good enough to fight and die in the Empire's cause" to also have a share in the government of their countries (Davidson 1991: 326). It was after World War I in 1920, that the four representatives of the four British West African territories met to form the National Congress of British West Africa (Davidson 1991:326). For Africans in Diaspora especially in America, Geiss (1974: 231) provides some factors in the war experience itself that may have led to this greater political awareness. Some of these were the exposure to technology through the army or as construction workers in the European Armies, the exposure to the criticisms of harsh German colonial methods by Allied propaganda and the relative lack of racial prejudice in France. The widening of their world view was especially underscored by the ill treatment of returning African American soldiers who went to fight an ideological war for a better world (Ajala 1973: 5). According to Ajala (1973:5), this growth took three different trajectories the first, Marcus Garvey's conventions or Parliaments, the DuBoisian Pan African congresses and the actions of the African intelligentsia.

Post World War II

Much like the history of integration in Europe, wars like World War II played a catalysing role in the Pan African movement and nationalism from within Africa. The Ethiopian war of 1935-6 was seen by Mazrui and Tidy (1984:1), as a prelude to the relay of African independent states that emerged after World War II. This can be attributed to Ethiopia's successful resistance of the Italian Army in 1896 at the battle of Adowa (Thompson 1969:110; Geiss 1974:133) making it the only African country to safeguard itself against the Scramble for Africa. This war and Ethiopia's 2000 year legacy of resistance to European rule, engendered African pride and inspired more aggression and passion about the emancipation of the African at home and in the Diaspora. Thus the second Ethiopian resistance against Italy in 1935 and Ethiopia's defeat in this war ignited passionate nationalism in African intellectuals both within and outside Africa.

After the Second World War, population growth and urban migration became endemic. It was from the resultant tin-can and timber habitations and ad-hoc slums at the edge of colonial businesses and cities that snippets of nationalist ideologies and united front against colonialism began to emerge. While ideological theorising and political rhetoric was carried out at the supranational levels in the various Pan African conferences that spanned over 58 years, these politicising and ideological movements began to generate interest and soon became one of the most influential instruments that birthed and nurtured the growth of nationalism in colonial African states. Soon Pan Africanism was to gradually metamorphose from a movement for freedom from slavery and racism for Africans in Diaspora to a movement for freedom from colonial rule for Africans.

The educated elite carried this movement to new heights. Pan Africanism grew and nationalists such Kwame Nkrumah, Sekou Toure, Jomo Kenyatta, Julius Nyerere and Nnamdi Azikiwe began the anthem of autonomy and self rule. In 1951, Libya cut loose from Italian subservience, Ghana achieved internal rule in the same year with full independence in 1957, Nigeria followed with internal self rule in 1952 and independence in 1960. Next was Egypt in 1952 in a coup d'etat, Morocco, Tunisia and Sudan followed

between 1955 and 1956. The baton of independence was passed from country to country during the 1960s. However, despite the furore over independence, many countries at this time remained colonised or partly so (with Reference to France's continued strong influence in French Africa after political independence of French colonies in the sixties). As a result of this and other emancipationist reasons and in the overall spirit of Pan Africanism independent nations came together with a mission: the total annihilation of all the vestiges of colonial rule for political and socio-economic liberation.

4.1.4 Institutionalisation of ideas: the Organisation of African Unity (OAU)

Despite the early suggestions to Pan Africanism, its first organised form came to Africa only in 1958 in Ghana, with the first Pan African conference taking place on African soil. Pan Africanism transmuted from a movement of emancipation of black people around the world to a continental concern with independence and self rule for all African states. This became an important foundation for the formation of the Organisation of African Unity. This is the defining point in terms of this study. However, it must be said from the on set that while on one hand, the idea of and movement towards African Unity has not always been a unifying one; on the other hand it has been an engaging experience in unity of purpose albeit with disunity in approach. The development of an organised approach to African unity, the debates that raged on the nature of this approach and the institutionalisation of decisions and ideas on African integration can be traced to the first Pan African conference in Ghana.

The birth of the Organisation of African Unity (OAU)

According to Geiss (1974:3), the manifestation of the Pan African movement exposes political ideologues which stand out when attempting to understand the concept of Pan Africanism:

1. The tendency to regard Africans and people of African decent as homogenous
2. Ideas that have highlighted cultural unity and political independence of Africa, with solidarity concepts such as "Africa for Africans"
3. Promotion of political unity or political collaboration between all Africans.

These ideologues tie in with what Legum (1965:38) describes as a programme of ideas and actions which were central in Pan Africanism at the time of its transfer to the continent. Prominent among these ideas and actions and central to the discourse on African integration was the concept of the "United States of Africa" (Legum 1965:38) which was based on the principle of inter-linked regional federations with limited national sovereignty.

In April 1958 the first Pan African conference in Africa took place in Accra Ghana with the eight independent states in Africa at the time attending (Mazrui and Tidy 1984:344; Geiss 1974:419). In December 1958, the All African People's Organisation a non-governmental body consisting of African Political parties met also in Accra. It is important to stress that the concept of a United States of Africa was not mentioned in the meeting of independent states but was mooted at the non-governmental level of the All African People's Organisation in 1958. This is relevant as it showed the reluctance of the newly independent states to champion an idea that would entail a level of surrender of national sovereignty.

The idea of a United States of Africa or what Mazrui and Tidy (1984:344) term "continental-union government" was championed by Kwame Nkrumah who was also instrumental to the first three Pan African conferences that were held in Accra between 1958 and 1960. Additionally, early ideas of integration in Africa were envisioned by Nkrumah who in his book *Neo-colonialism: the last stage of imperialism* viewed what he termed the Balkanisation of the African continent as the major instrument of neo-colonialism (Nkrumah 1965:14). Nkrumah's thesis was largely guided by a vision of an African state united against the powers of neo-colonialists and that Africa's development can only be met through "cohesive and integrated planning" (Nkrumah 1965:11).

Nkrumah's Union of Independent African States was to have common citizenship, common defence and economic policy, a union bank and language teaching and cultural co-operation (Mazrui and Tidy 1984:344). This approach to African unity was considered radical by certain African states at the time as it tended to accommodate the logical imperative of having supranational institutions with powers to intervene in sovereign states. Nevertheless, the concept of a United States of Africa was vehemently opposed by Nigeria (Legum 1965:46) at the second conference of independent African states in Addis Ababa in 1960, with Nigeria preferring a slower intergovernmental co-operative approach.

During this time there was a noticeable development of two schools of thought on the best approach to African Unity or in this case, integration. According to Legum (1965:48) certain issue based politics and conflicts within the continent resulted in this early rift in terms of disagreements as to the nature of African unity. There was a noted division which immediately began to isolate "inter-African cleavages" made up of the radicals, moderates and conservatives centred mostly on the Congo crises (Walraven 1999: 103-109). Thus, differences in approach to African governance structures and approach to its unity were exposed. Legum (1965: 48) isolates five events that precipitated this natural selection of views: the independence of Nigeria; the sudden independence of 13 French territories, the Morocco and Mauritania conflict and the rift between Morocco and Tunisia over Tunisia's support for self governance for Mauritania; the Congo crisis and the role of the International Confederation of free Trade Unions in Africa.

However, the Congo crises provided the main arena for idealist and realists of the African unity question. These grouping of nations came to be known as the Casablanca and Monrovia groups (Legum 1965:50-55; Mazrui and Tidy 1984:345). Casablanca consisted of radical states like Ghana, Guinea, Mali, Morocco and Algeria who supported Patrice Lumumba on his envisioned unitary government structure for the Democratic Republic of Congo, while the Monrovia group was made up moderate conservative states or pro-Western states according to Mazrui and Tidy (1984:345), who favoured the federal

structure of government advanced by Joseph Kasavubu. The Monrovia group constituted the largest group of African states and consisted of most French speaking African states except Guinea and Mali, and none francophone sates like Nigeria, Sierra Leone, Ethiopia and Liberia. However, the May 1963 meeting of African Independent States in Addis Ababa united the Monrovia and Casablanca groups into the Organisation of African Unity (Mazrui and Tidy 1984:346) with the Monrovia group declaring the principle of state sovereignty (Legum 1965: 56), which was carried through as part of the principles of the charter establishing the OAU (Mazrui and Tidy 1984: 347).

Later, Africa's change in priorities for the 21st century was manifested in the transformation of the OAU into the AU, with new priorities for accountable leadership, establishing equal weighted partnership, and the development of human, financial and physical capital. In a quest to be part of a rapidly globalising world the African Union moved from a political organisation in terms of its forerunner the OAU to an organisation aimed at socio economic integration and development of Africa for political unity. In what is seen by some as a response to the challenges of globalisation (Ravenhill 2001:8; Hettne 2002: 28), Africa has joined the increasing global trend towards regionalisation and regionalism. As pointed out by Laszlo (1981:16), the solution to the crippling economic problems of the majority of developing countries (especially Africa) would be to realise noteworthy improved levels of collective self reliance. This to a large extent is what the vision of the African Union has been.

Nugent (1999:2) dilutes intergovernmentalist prescripts of the detrimental effect of the nation state's loss of sovereignty by proposing that the phenomena of supranationality is not detrimental to nation states within the EU but largely empowering as member states can meet the threats posed by external threats like globalisation. Although highly debatable, this reasoning is mirrored in Nkrumah's idea of a United States of Africa, where the nations of Africa would unite their forces against global threats (Mazrui and Tidy 1984:344).

Many views have been put forward to attempt to explain the nature of Africa's integration. Some of these views are linked to interest based and fragmented colonial partitioning of African states which resulted in very diverse populations, the severance of whole African cultural nations (Mazrui and Tidy 1984: xi; Gordon 2001:58), and lack of interest in structural and economic development of Africa with little regard to the development of its peoples. Others are attributed to early nationalist views of African unity, with ideological and political differences. However, the issue that has universal resonance within Africa is the need for collective endeavours towards development and economic sustainability of all nations of Africa. This premise forms the basis for this study, which was undertaken to examine the institutions of integration in Africa in order to understand the nature and future of African integration. It also provides the reason for choosing to explore the study of the Pan African Parliament from middle range and grand theoretical viewpoints of regional integration.

4.2 Setting a contextual framework: the nature of regionalism in Africa

It can be said that the United Nations (UN) provided the initial impetus for twentieth century regionalism around the world. Within its own stables it created opportunities for regional voice and co-operation through the establishment of the UN Regional Economic Commissions and UN regional offices (Mazzeo 1984a:1). For Africa, a continent emerging from years of colonial rule, the idea of regional co-operation was enticing as this offered an opportunity for newly independent states to interact based on common ideologies and principles. Although the idea of African unity at the time was not novel to Africa, issues such as national sovereignty, racial equality, in addition to foreign policies and economic relations with Western interests made it even more crucial. Rugumamu (2004: 2) states emphatically that "…if Europe needs economic and political integration for strength and prosperity, Africa needs it for survival." There was thus, a proliferation of continental and sub-continental regional groupings to foster that sense of opportunity.

Nevertheless, a cursory examination of the dynamics of continental regionalism in Africa through the years reveals perhaps a somewhat symbolic and rhetorical disposition to regional co-operation. African regional co-operation was founded on independence aspirations, nationalism and political ideologies, dispositions which while pertinent at the time also set the foundation for African regionalism in the years to come. The next section deals with the features of this past regionalism from 1963 to the legislative birth of the African Union in 2000. It is hoped that this exercise will reveal some notable features of African regionalism, which will give insight in terms of the thesis subject matter: the definitive role of the Pan African Parliament.

4.2.1 Features of African regionalism in post colonial Africa (1963-2000)

It is relevant to reflect on the characteristic nature of African regionalism through history. This will serve to give historical and socio-political context to the discussion on Africa's new regionalism dispensation as well as provide a basis for relevant conjectures in terms of African regional institutions. The idea of African regionalism has spanned regional integration developments from even earlier than organised Pan Africanism in the 50s and 60s, in form of the South African customs union in 1910 to subsequent regional integration movements.

In discussing the nature of African integration, Ernst Haas (1970: 614-619) deduced some functional generalisations based on African regional integration scholarship at the time [3]. Haas also identified theoretical, hypothetical and variability gaps in these assumptions (Haas 1970: 621-622), especially as it relates to the processes of integration

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[3] Some of Haas's sources: Isebil Gruhn 1967, Functionalism in Africa: scientific and technical co-operation (unpublished PhD. Dissertation university of California Berkeley), WR Derrick Sewell and Gilbert F White 1966, The lower Mekong International Conciliation (No. 558); Carl G Rosberg and Aaron Segal 1963, An East African Federation" International Conciliation (No. 543) Abdul A Jalloh 1969 The politics and Economics of Regional Political integration in Central Africa (unpublished PhD thesis University of California Berkeley. ; Roger D Hansen 1969, Regional integration: reflections on a decade of theoretical efforts" World Politics January 1969 Vol 21 no 2 pp 257-270.

in the developing world vis-à-vis the West. Nevertheless, Haas's triangulation provides some relevant discussion points although generalised they may seem. Haas's generalisations have been highlighted here because they open up a starting point for inquiry in terms of the features of African regionalism efforts.

Features of regionalism in Africa can be viewed from historical, political, institutional and economic standpoints. These standpoints reveal circumstances which are unique to the region perhaps affect the variables consisting in the Haas generalisations. Here, African regionalism is seen as symbolic, highly politicised, and steeped in ideology and nationalism, saturated with non-evolving or constipated institutions, in addition to presenting an unequal playing field. It is justifiable to question if these generalisations suitably represent the manifestation of regional integration in Africa 37 years after Haas isolated them. This not withstanding, these views reveal a window for longitudinal analysis and comparative inquiry in Africa, especially considering the slow pace of regional integration in the last 37 years.

Symbolic

Haas (1970: 618) suggests that integration in Africa is as yet symbolic, a view earlier highlighted by Nye (1965: 872) as the 'high' politics of developing countries based on 'emotive and symbolic content'. Symbolism in this sense connotes the ideology and rhetoric that have dominated African regionalism efforts. There were nonetheless, reasons for the symbolism view of African regionalism.

The idea of integration for years may have been seen more as a means of political defiance against the external powers than as a development strategy. Thus, the early years of independence from colonialism, along with the cold war, provided breeding ground for ideology in African leadership (Franke 2007). 'Rhetoric' is a word that has been used often to describe commitments made by African leaders on regionalism and development (Gottschalk & Schmidt 2004:140; Onwuka 1985:58). Going further, African

development policies have been described as "grand plans, vague promises" (de Waal 2002:463). More to the point, the terrain of African attempts at integration for development was littered with fragments of idealism. Up until recently, there has been little variation in the lack of enthusiasm of African leaders to commitment in terms of the core content of resolutions, declarations, charters and treaties geared towards development and deepening African unity (Asante 2001; Onwuka 1985; Mistry 2000).

According to Mutharika (1972:15), African leaders find it difficult to "consider economic development problems, without considering the political realities". Consider for instance the early days of regionalism with the sub-regional groupings like the Eastern African Community (EAC) between 1967 and 1977. The EAC recorded some success in terms of economic arrangements such as trade and industrial harmonisation of policies and even joint infrastructural ventures (Mazzeo 1984b:151). This non-intrusive approach to regionalism did not however escape politics. There is general consensus that the demise of the EAC can be attributed to political and ideological distrust (Hazelwood 1985; 183; Franke 2007). The ideological differences between the Kenyan and Tanzanian leadership and the military coup of Idi Amin deepened distrust which was already fomenting from treaty issues like the distribution of benefits accruing from co-operation (Mazzeo 1984b:152; Hazelwood 1985: 174). Thus, the 'emotive' content of politics in Africa as offered by Nye (1965:872), may have played a role in the weak political will, and institutional fragmentation evidenced in the overtures towards integration in African over the years. It is perhaps this ideological and rhetorical sphere of engagement with integration that has earned African regionalism the description of "symbolic". Nonetheless, it can also be argued that ideology and rhetoric have ensured that the issue of regional integration in Africa has been put in the front burner of African governance.

Today, it is important to reflect that integration in Africa may have gone beyond the symbolic phase. For instance Mistry (2000: 556) alludes to this by noting that the principles of integration have moved from the political rhetoric to the more realistic and practical since the late 1990s. With the emergence of new democratic leadership by elections, the concept of pluralism nor its "functional equivalent" (Schmitter & Haas

1964: 284-5), which is argued by neo-functionalists as a prerequisite for deepening integration seems to be taking root in Africa. Although these elections do not ensure a high level of civil liberties, indications are that more elections translated to a better approach to civil liberty issues (Lindberg 2006:120) and by so doing, provides greater room for participation by civil society in African governance. For instance the Treaty of Abuja (Article 91) and the Constitutive Act of the AU (Articles 17, 22) provide for the greater participation of African civil interest groups and non-governmental organisations through the Pan African Parliament and the Economic, Social and Cultural Council of the African Union (AEC treaty 1991:59; AU: 2000: 10, 11).

Furthermore, lately, there seems to be a shared vision by African leaders on economic development as an integration objective. This is considering that with the turn of the twenty-first century, African leadership seemed to emerge into a new era, challenging itself to collective social, political and economic self-development and peer review through a new African Union and the New Partnership for Africa's Development initiative (NEPAD [4] 2002: 3-4). Possible drivers of this development include the resurgence of regionalism, "new regionalism" according to Ethier (2001:4), or a "re-birth" according to Bach (1999: 1). This phenomenon sparked the emergence of strong regional trade blocs around the world notably the Asian regions' Asia-Pacific Economic Co-operation (APEC) and Association of Southeast Asian Nations (ASEAN) as well as the North American Free Trade Area (NAFTA) and MERCORSUR in the Americas.

These new regionalisms were characterised by the unique approaches to regional integration as it suits the region based on its own specificity and historicity. Asia-Pacific Economic Co-operation (APEC) and Association of Southeast Asian Nations (ASEAN) countries formed regional growth strategies to propel them into global prominence. Consider for instance the 'Japanese flying geese' pattern of regional integration (Mittelman 1997:87) which has stimulated economic growth in the Eastern/Asian hemisphere. It involves countries at different levels of development penetrating the global market in different regional levels of integration. This resulted in unique Growth

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[4] See Reference: New Partnership for African Development

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Triangles (GT), a combination of state initiative and private entrepreneurship. Growth Triangle is defined by Kakazu (1997:6) as "trans-national economic zones spread over well-defined, geographically proximate areas covering three or more countries where differences in factor endowments are exploited to promote external trade and investment." For instance, countries like Malaysia, Indonesia and Singapore formed the SIJORI Growth Triangle based on mutually exploiting each others complementarities like the vast lands of Batam Island and growing the labour force of Indonesia and the manufacturing prowess of Singapore. In combining complementarities, this regional economic strategy created a wide base with different factor characteristics, making the region attractive for foreign direct investment.

Taking these new regionalism developments into consideration, for some in the international community, as seen in Hawthorne's Time magazine article at the time, the initiation of the African Union and NEPAD heralded new prospects for regional integration in Africa, (Hawthorne: 2002 :26-27). However, how these opportunities provided by growing regionalism and globalisation are harnessed will to a large extent determine the success of this new African Union. This is because up until now, African regionalism could easily be described as a proliferating, fragmented landscape of regional institutions, protocols and agreements.

Dependency

Shaw (1985: 15-16) highlighted in his 1985 article that there was the tendency for African integration to be negated at the expense of Africa's drive towards diplomacy, ideology and political power in the global community. Conceivably, the Organisation for African Unity (OAU) was about scoring political points, as African states were economically, highly dependent on the North. Regionalism at the time in Africa was not seen as a development strategy or economic strategy but rather as a political tool aimed at improving Africa's position in the international community and ensuring that the balance of power is not continuously tilted against Africa.

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Radical thinking by certain African economists during this period was that the only way Africa can achieve integration was by disentangling itself from pre-independence or colonial economic links (Shaw 1985:11, Onwuka 1985:63). Early radical views of integration seemed to submit that the nature of Africa's incorporation with the global capitalist system was largely dependent and was detrimental to continental integration (Mazzeo 1984a: 8; Shaw 1985:11). Today, there is little contention that Africa's relationship with the global political economy is still tilted towards dependency even in a largely globalised world. Yet, one cannot entirely posit that regional self reliance or intra regional trade is detrimental to or incompatible with globalisation. In other words Africa's continued economic dependence may not be the only factor hampering the critical move towards self reliance and integration.

A unique consideration of the dependency argument can be seen in the debate on the modelling of African regionalism to the experience in the developed Europe (Maluwa 2003: 159; Lee 2003:27). To illustrate this, Mazzeo (1984a: 4) points to the numerous failed attempts at functionalist and federalist approaches to regionalism in Africa. These approaches were founded on the experience of Europe. In 1963, about six years into the European treaty of Rome, African leaders with federalist thinking like Kwame Nkrumah had emerged. Although, Nkrumah's idea of a United States of Independent Africa was squashed by other African countries (Mazrui & Tidy 1984:344; Legum 1965:46), it is noteworthy that countries that opposed Nkrumah chose gradualism or the functionalist approach to regionalism like in Europe. This gradualist/functionalist approach focuses on economic co-operation as an obtrusive route to the political integration endpoint: preferential trade agreement, free trade areas, common custom unions, common markets, economic union, monetary union and then political union.

Additionally, the institutionalised structure of African regionalism, has led to some scholars viewing the Organisation for African Unity or the African Union as a copycat model of the European Union (Lee 2003:27). It can be argued that this tendency toward mimicking the EU may be detrimental to African regionalism. This is because the history, assumptions and principles of European integration are a far cry from that of

African regionalism. For instance, in terms of history, the beginning of European regionalism was premised as a route to re building Europe fast after World War II. Also, approaches to European regionalism assume that countries involved are highly developed, bureaucratically, technically as well as in infrastructure. European Union states have been described as states which show a level of neutrality in nationalism concerns (Nugent 1999, Archer 2000). In fact Nugent (1999:2) elucidates, that the concept and manifestation of state sovereignty in Europe has all but disappeared. Finally, these countries have a commitment to what Mazzeo (1984b:159) refers to as economics of scale, i.e. efforts to reduce transaction costs through co-operation economic development. African states are markedly different as they exhibit different historical context in terms of emergence of the OAU. Politically, the pervasiveness of dictatorial leadership, centralised governments and a strong commitment to state sovereignty characterises African governments. In terms of development, there is a challenge in harnessing technical and infrastructural competence and a struggle with bureaucratic integrity.

Institutional proliferation and Inertia

Haas (1970:614) generalises that global regionalism trends show that the increase in numbers of institutional channels in a region (private and government), spurs interdependence among members as they resort to these institutions to resolve conflict. Has this been the case for Africa? From the earliest form of regional integration in 1910 with the Southern African Customs Union (Geda & Kibret 2002:2) African regionalism has been institutionalised. In early independence years Africa experienced a proliferation of regional groupings. In 1962, groupings like the Ghana Upper Volta Trade Agreement, the African Common Market with Algeria, Ghana, Mali Guinea, Egypt and Morocco and the Equatorial Customs Union (Union Douanière Equatoriale) of Cameroon, Central African Republic, Chad, Congo and Gabon emerged (UNECA 2004: 27) . This was followed by the East African Community in 1967 (Mezzeo 1984:152, Hazelwood 1985:172). In the 1970s, West African regional economic communities began to emerge

and for some consolidate. The Francophone Communauté Economique de l'Afrique de l'Ouest CEAO (West African Economic and Monetary Union for English speaking) in 1973 (Asante 1985:96), Mano River Union of initially Sierra Leone and Liberia in 1974 and later in 1980, Guinea (Sesay 1985: 125), and the Economic Community of West African States (ECOWAS) in 1975. In Equatorial Africa the Equatorial Customs Union (UDE), at the Brazzaville treaty in 1974, was transformed into the Central African Economic and Customs Union and subsequently into the Economic Community of the Great Lakes Countries in 1976 (UNECA 2004:27).

This proliferation was viewed as a "self reliant strategy" (Mytelka 1984: 131), a way to engage the more powerful nations (Fredland 1984:104). Some of the Regional Economic Communities had the goal of full economic community while a few were dedicated to common markets and free trade areas. Despite these noble goals, the fragmentation of the continental system into numerous, struggling regional blocs, the lack of framework for continental co-operation as well as rivalry amongst the Regional Economic Communities (REC) and between the Organisation for African Unity and the RECs did not augur well for early African regionalism (Franke 2007; Onwuka 1985). By 1979 the West African region had about 30 regional groupings (Asante 1985:74) and had grown to about 40 by 1990 (Esedebe 1994:217). In addition to this proliferation, there is also the complication of multiple memberships of these groupings. For instance, out of 53 Sub-Saharan African countries, while one country belongs to four RECs, only six have single memberships, 26 countries belong to two and 20 countries belong to three RECs (UNECA 2004: x).

These Regional Economic Communities are characterised by lack of resources (human, technical and financial); weak, politically marginalised secretariats (Gottschalk & Schmidt 2004: 138); poor organisational learning and driven by weak national economies. These challenges further complicate progress in emerging regional blocs, adding to challenges such as the duplicity of mandates, lack of regional cohesion in terms of goals, stalemates in decision making and weak institutions. Prominent, is the competition and conflict of interest in the Anglo/Franco West African experience. In what has been termed "rival groupings" (Asante 1985:75; Franke 2007), Francophone West Africa while forging regional alliances with each other in the Communauté

Economique de l'Afrique de l'ouest (CEAO) now Union Economique et Monétaire Ouest Africaine (UEMOA), maintained membership in Economic Community Of West African States (ECOWAS).

African regional institutions over the years seem to have slowly degenerated into a state of tepidness and even inertia. These struggling institutions question the success of the functionalist path which African integration seems to have followed. This is because functionalist reasoning provides that institutions tend over time to acquire supranational powers due to factors like issue density and spillover. Quite the reverse, many such attempts at institution building have resulted in what is referred to as "self encapsulation" (Haas 1970: 615). Self encapsulation means that institutions rather than engendering consequences triggering further integration, do not allow for this spillover. While Haas limits these institutions to agreements that do not deal with common markets like the protection of human rights and military alliances, it can be said that this inertia applies to some African integration arrangements or institutions. One of the core challenges in African integration is to understand why there is a proliferation of these types of institutions. Factors such as lack of resources in terms of skills and finance can be linked to this state of affairs. Taking into consideration these institutional deadlocks, today, there may be merit to describing the result of mimicry in African regional approaches as inertia. This is especially compared to the growth of other regional bodies.

Nonetheless, the move towards integration as provided for by the 1991 Abuja Treaty showed promise in the direction of Africa's approach to achieving an African Economic Community (AEC). This approach is a bottom –top approach to regional integration which defines the RECs as building blocks of the AEC (UNECA: 2004:27; NEPAD 2002:34). The idea being that rationalising, strengthening and allowing growth in the RECs, will lead to greater productive capacity of African states and by implication, intra-African trade through integration and harmonisation of policies and processes (Asante et al 2001:6). This building block approach to African integration introduced by the 1991 Abuja treaty is cemented in a protocol that governs REC/AEC relationship (OAU 1998b). The building block approach is equally re-enforced by its tie in to key AU regional protocols and policies like NEPAD's implementation strategies (NEPAD 2002:51) and

the Pan African Parliament's role in REC harmonisation (PAP Protocol 2001: Art. 11/ 7). Thus, whereas in the past there had been a noted rivalry between the RECs and the OAU, presently there is a legal transmutation of roles of RECs from stumbling blocks to building blocks of African regional integration. In 2004, Africa had 14 RECs supported by different protocols of the African Economic Community and financial bodies like the African Development bank aimed at supporting regional integration (UNECA 2004:27). The African Union presently recognises eight RECs as part of its integration system (AU 2006b). The above mentioned developments are still a long way from successful implementation as there are still challenges.

State led

Haas (1970:618) supposes that although in terms of African regionalism joint regional groupings are propelled by economic objectives, they have not followed Europe's pattern of spillover, incremental decision making and non-coerciveness. Secondly, due to hasty politicisation of expectations, sovereignty and national concerns drive member state representatives to avoid incremental bargaining for fear of unintended consequences. The idea that such consequences may lead to the supranationality of regional institutions leads regional actors to scamper for the centralisation of decision making at the intergovernmental bargaining level.

It is significant to note that the European Union as a complex cluster of institutions began as a result of an ambitious idea which bordered closely on abnegating sovereignty to a large extent. This idea of state sovereignty in Europe was first mooted in 1648 with the Peace of Westphalia (Archer 2000:2), which ended the mutually destructive thirty year war in Europe (Mazrui & Tidy 1984:373). Before this war, there was a strongly hierarchical arrangement that had states answering to a higher authority like the emperor or pope (Archer 2000:2). Without this overall authority, Europe was an anarchic system. Remote advances towards unification sprung up during the early nineteenth century

Napoleonic Wars with the concert system which emerged from the war involving a meeting of the representatives of the great powers.

As highlighted by Mistry (2000:553), the African journey towards regional integration has been influenced and dominated by two conflicting predispositions, namely the tendency to adhere to political separation by colonial borders while emphasizing unity albeit at arms length. The OAU charter, Article 2, spells out co-operation and co-ordination as the core integrative route for Africa (OAU 1963a:3). Article 3 (section 1-3) of this charter emphasises the respect for territorial integrity and sovereignty (OAU 1963a:3-4). From the foregoing, it is clear that from the start, African leaders have been reluctant to abnegate sovereignty in any form. Nevertheless, is it safe to say that this makes African nations poor integration partners? Haas (1970) explains that due to national political and economic challenges in most African states, African leaders are reluctant to further undermine control at the national level through supranationality.

The debate on state sovereignty versus supranationalism in regional integration is one that should not be overlooked in studying or in understanding the existence and sustainability of regional bodies like the African Union or the European Union. For instance, neo-functional suggestions (Haas 1958; Schmitter 1969; Mcgowan 2007, Sandholtz & Stone-sweet 1998) maintain that the concept and manifestation of state sovereignty in Europe has all but disappeared. According to Nugent (1999:2), this phenomenon began even before the EU was established, when external forces within world economics and politics began to dictate the path of nations. Thus, the author suggests that the erosion of state sovereignty in Europe was a double pull, from external forces and from within the EU where members loose powers through "legal transfers of sovereignty to the central authority of the EU. Nevertheless, this "legal transfer" of sovereignty is viewed by intergovernmentalist as more of a delegation of sovereignty for effectiveness and efficiency than abnegation of sovereignty as proposed by neo-functionalists (Puchala 1999:313).

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Finally, there is the tendency to view African integration as a process where spillover does not occur (Haas 1970:618), leading to weak institutions. The emergence of an African regional instrument like NEPAD is attempting to contest this view. Consider that of all the institutions of the AU with the most potential of having supranational powers, NEPAD stands out. Even the AU commission does not qualify as a supranational institution (Gottschalk & Schmidt 2004: 141). Ironically, although NEPAD is not an institution acknowledged in the formal line organisation of the African Union, NEPAD has managed to assume a position where there is no AU control or veto (de Waal 2002: 468). Be that as it may, one of the critiques of the NEPAD is that it is a non participatory process (Keet 2003), centralized top down process, initiated and to a large extent implemented by the Assembly of Heads of State and Government. This in turn raises key issues about its supranationality.

Unequal Benefits and Payoffs

For members of regional groupings, the rationality of pay offs or benefits are integral in the game with different sized regional players. Haas (1970: 614-615) generalises that in transactions, interdependence is viewed as negative by members if they feel regional partners profit more and interdependence is viewed as positive by members if they feel equal with their partner in certain if not all transactions. The issue of economic inequality among African states is vital in exploring the character of African regionalism because of the cost of benefits and payoffs. As already mentioned, early African regionalism efforts tended more towards sub continental regionalism (Shaw:1985: 11; Mazzeo 1984a; 6). This perhaps can be seen as survival attempts for smaller states by establishing common markets for greater power. There were initial failures like the Mano River Union of Sierra Leone, Liberia, Guinea, and the East African Community (EAC) of Tanzania, Kenya and Uganda, both of which have subsequently been revived.

The example of the East African Community of Kenya, Tanzania and Uganda reflects the distrust and challenges that smaller states face in terms of allocating the benefits or pay

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offs accruing from co-operation (Hazelwood 1985: 176-185). Kenya was increasingly seen as the major political force within the first East African Community (EAC) of Kenya, Tanzania and Uganda. There was mistrust from the smaller states like Tanzania, who felt vulnerable in terms of the treaty agreements and benefits accruing from regionalisation activities. Indeed the United Nations Economic Commission for Africa (UNECA), cautions that for integration attempts to succeed in Africa, benefits and costs of integration must be equitably distributed (UNECA 2004: 33).

In terms of power relations between African states, whereas early views of continental politics saw Africa as consisting of equal state actors (without an emerging structure of African regional integration), later views, radical in approach, contend that African regional powers were not transitional, but rather represented an emerging regional structure (Shaw 1985:9). These views are significant in considering that regional integration even in Africa, sometimes is driven and equally sustained by more powerful states.

It can be argued that 37 years after Haas's generalisations (Haas 1970:618), integration in Africa has gone beyond the symbolic phase. Some authors reflect this in highlighting a change from the 1990s from political rhetoric to more realistic and practical efforts towards regional integration (Mistry 2000: 556; Asante 2001:5). Nonetheless, how these opportunities are harnessed will to a large extent determine the success of this new African regionalism This is especially in terms of the relationship between the small states and the larger states of Africa. With a large number of small and poor nations, inequality in a transactional relationship can make smaller states vulnerable.

To summarise, African regional landscape is littered with a host of institutions with replicated and overlapping tasks. Haas (1970) generalises that the number of members in a regional grouping does not predict the success of integration. This perhaps resonates with Africa. Yet, considering the context of African development and politics, one will have to wonder if this noticed establishment of institutions, some with supranational potential is not a once off grand design pushed by self interests. If countries in Africa do not sense easy pay offs, are susceptible to political instabilities and have differing

political ideologies, then creating a supranational body within the region which threatens their sovereignty directly or indirectly will receive strong opposition. This might account for the continued reluctance of African leaders to the idea of a United States of Africa, from when it was first mooted by Nkrumah (Mazrui & Tidy 1984:344; Legum 1965:46) to the Libyan re-iteration of this proposal at the July 2007 Assembly of Heads of State and Government of the AU in Ghana.

Finally, it can be seen that African regionalism is consumed with the idea of creating institutions. It is also clear that the treatise on institutionalisms, deduced from the study of European regionalism is probably not evidenced in African regionalism. Rather, the pervasiveness of the state-led process has created largely dysfunctional institutions, and dysfunctional institutions, cannot help integration. Thus, there are notable shortcomings in African regionalism in terms of dealing with pay offs and benefits of regional integration, resource constraints (debts), capacity (skills) constraints and lack of infrastructural and technological instruments to effect regional change as well as the dependency on foreign money, technical assistance (this relationship has to change for African regionalism to take root). Be that as it may, there are other levels of contemplation in viewing African integration or regionalism attempts in ways expressed above. For instance, one has to consider other mitigating circumstances within the African context that have resulted in these states of affairs. Consider the constantly scraped wounds of colonialism emphasised by the still skewed relationship between Africa and her ex-colonialist nations. In addition to this, consider the relationships between conflicts and resources, between conflict and development and the role of the international community. Consider also the challenge of infrastructure and capacity resources in Africa. In as much as one would like to scoff at the constant rhetoric of African leaders, it is also important to understand that these leaders as much as they would like to, do not operate in a vacuum or in isolation.

The greater challenge for Africa has always been to find a way to make feasible promises and engage at an advantaged position with the international community as partners to see

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these ideals through. Lately, African leaders seem to have forged this route with the dawn of the new millennium through the African Union, its organs and New Partnership for Africa's Development (NEPAD). In fact De Waal reckons that NEPAD brings a level of realism as against idealism and grandiose rhetoric to African integration (De Waal 2002: 465). It is therefore significant that the new motto of the African Union website declares "an efficient and effective African Union for a new Africa" http://www.africa-union.org/. This vision speaks largely to institutional efficiency and perhaps points to the gradual recognition of regional integration institutions as an essential ingredient for deepening integration in Africa. This is where the role of the Pan African Parliament comes in.

4.3 The Institutional, policy and Governance Framework of African Regionalism

The African Union is a complex hub of institutions. The central argument that will guide discussions in this section is the understanding that the African Union is in its early development years. Thus all its structures are in their developing years. The aim of this section is to help expose the core function of the Pan African Parliament. Nevertheless it can only do this, by first exploring the overall structure of the African Union, thus pointing to the role of the Pan African Parliament within the structure. Article 2 of the Constitutive Act of the African Union established the African Union, abrogating and replacing the Organisation of African Unity and its charter. Article 33 of the Act while committed to accelerating the implementation process of the Abuja treaty, overruled any inconsistencies in the Abuja Treaty establishing the African Economic Community (AEC) (OAU 2000a).

African regionalism is perceived as institutionally driven, mirroring European Union structures (Maluwa 2003; 159; Gottschalk & Schmidt 2004:141). The African Union represents the overall institutional framework of African regionalism. The AU's own website describes it as an event of great magnitude in the institutional evolution of the

continent (AU website http://www.africa-union.org/root/au/AboutAu/au_in_a_nutshell_en.htm). The constitutive act sets out the broad framework of the organs of the union, their functions and relationships between them, as well as the conditions of the relationship between the African Union and the Regional Economic Communities. Although these relationships are still sometimes vague and organisational structures are being fine tuned as will be seen subsequently, this section will delve into the present relationships to possibly draw out a simple representation of where the Pan African Parliament sits within the workings of the AU system. First of all there are two broad groups of African Union institutional integration system: the article 5 organs of the Union and the Regional Economic Communities known as the building blocks of the Union. They are discussed below.

4.3.1 Article 5 Organs of the African Union

Article 5 of the Constitutive Act of the African Union makes provisions for what can be termed the fundamental organs of the Union. The organs are: The Assembly of Heads of State and Government of the Union (AHSG), The Executive Council, The Pan African Parliament, The Court of Justice, The Commission, The Permanent Representatives Committee, The Specialised Technical Committees, The Economic, Social and Cultural Council, The Financial Institutions. These organs are briefly discussed in terms of the provisions of the Constitutive Act.

The Assembly

The Assembly is composed of the Heads of State and Government of African states. It is mandated as the supreme organ of the Union. Decision making within the Assembly is in three ways, consensus, two thirds majority, and in certain matters simple majority. The Assembly is the power centre of the AU and decisions made by the Assembly are binding. According to Article 9 (1) (d) (AU 2000: 7), the Assembly has the role of macro

policy making (treaties), institution designing, delegation of power and financial decision making.

The Executive Council

The Executive Council is a body of African Ministers of Foreign Affairs. Voting is by consensus, two third majority and simple majority. While the Assembly manages macro policy formulation, the Executive Council is in charge of further breaking down policy formulation based on the provisions of grand policy (treaty) decisions of the Assembly. These policies are broken down into specific common interest areas like foreign trade, energy, industry and mineral resources; food and agriculture, transport and communication and education, culture, health and human resources development. The Executive Council is directly responsible to the Assembly and is in charge of implementation of grand treaties. It can also delegate power to the specialised technical committee (STC), related to specific policy area. The act inadvertently also spells out the key sectors within the African Union frame of reference.

The Specialised Technical Committees

According to the Constitutive Act, there are seven key committees which are related to all key policy areas of the African Union. It is composed of government ministers or senior functionaries responsible for the different sectors. On the policy scale, the committees, further breakdown sectoral policies into projects and programmes. Presently, the Specialised Technical Committees as an AU organ is still in the process of being established (EC: 2006g; EC 2007f). It seems to play a project co-ordinating and monitoring role and is responsible to the Executive Council.

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The Pan African Parliament

The Pan African Parliament is provided for under Article 17 of the Constitutive Act and the Protocol to the Treaty establishing the AEC relating to the Pan African Parliament. It was adopted in 2001 and the Pan African Parliament entered into force in 2003. It is one of the two organs of the African Union that gives opportunity for the full participation of non-state actors (African people and grass roots representatives) in decision making in the AU. The second is the Economic Social and Cultural Council. It was established in the light of the Cairo Agenda for Action as part of the rationalisation of the institutional framework in order to achieve regional economic integration.

The ultimate aim of the Pan African Parliament according to Articles 2/3 of its Protocol (OAU 2001a: 2-4), shall be to "evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage." Before then, it shall have only consultative powers and members shall be by appointment. Thus, presently the powers of PAP are just consultative and advisory. In this state, the PAP can perform the following actions: examine, discuss, express an opinion, make recommendations and requests, promote and perform other functions it deems appropriate to achieve its objectives. In terms of the provisions of the Act, PAP has responsibility to the Assembly in budgetary matters and the African Court of Justice plays a key role in this relationship in terms of interpreting treaty and protocol based disputes emanating from any of the organs of the AU, the PAP included.

African Court of Justice and Human Rights

The African Court of Justice and Human rights is provided for in the Constitutive Act of the African Union. It is an amalgam of the Protocol to the charter on human and people's rights on the establishment of an African court on Human and peoples' rights (OAU 1998a), and the Protocol of the court of justice of the African Union (AU: 2003a), adopted at the ordinary session of the Assembly, July 2003 in Mozambique. It is the

principle judicial organ of the African Union. Based in Tanzania, the Court of Justice subsequently has been merged with the African Court on Peoples and Human Rights (AfCPHR) into a single legal entity called the African Court of Justice and Human Rights (EC 2006a). It plays a very important role in the interpretation of treaties and protocols of the African Union. Fundamental is its independence and the binding force of its judgements (articles 13 and 37) and what role this will play in African integration. The African Human Rights Court was put into force in 2004. Its jurisdiction extends only to the issues, cases, disputes, emanating from the African Charter on Human and Peoples Rights and the Protocol establishing the Human Right Court, as well as any other Human rights instruments ratified between African States. Nevertheless, at the summit of the African Union in July 2004, a resolution was passed to integrate the African Human Rights Court with the African Court of Justice (PULP[5]: 2007:41), to become the African Court of Justice and Human Rights (AU 2006c). The African Court is currently undergoing institutional adjustments in terms structure and staffing (AU 2007d; EC: 2007f).

The Financial Institutions

Article 19 of the Constitutive Act makes provisions for three continental financial institutions (AU 2000a: 11), the African Central Bank, the African Monetary Fund and the African Investment Bank. Contemplating the supranationality and independence of the financial institutions is necessary considering the development, integrated fiscal and monetary policy role financial institutions could play in integration. This will be in addition to the already existing African Development Bank established in 1964. Still struggling with dependency challenges in terms of donor money (as is with the African Development Fund), and subscription from member states (Nwonwu 2001:37), the Bank provides technical assistance, loans for African development projects. So far locations for the institutions have been finalised, with Cameroon as Central African Host for the African Monetary Fund (AMF) (EC 2007c). Libya has been nominated by North Africa

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[5] See reference; Pretoria University Law Press

to host the African Investment Bank (EC 2006b), it is not clear which West African Country will host the African Central Bank.

The Peace and Security Council

The Peace and Security Council is provided for by Article 9 of the Protocol on Amendments to the Constitutive Act of the African Union (AU 2003b) and by the Protocol relating to the establishment of the Peace and Security Council of the African Union, which was adopted in July 2002 (AU:2002a: 28). The main function of the PSC is the promotion of peace, security in Africa, along with the innovative early warning system and preventive diplomacy. The Protocol entered into force in December 2003 (ISS 2005:13[6], PULP 2007; 17), and so far has generated considerable interest. With its 87th ordinary session since its election of member in March 2004, the PSC seems to be the busiest organ of the AU most likely in line with its functions and the need for conflict prevention, mitigation and resolution. The PSC is a decision making body responsible within the provision of the Protocol to the Assembly, to the Assembly and has standing relationships with the Pan African Parliament and the African Commission on Human and People's rights as well as the AU Commission (AU 2002).

The Commission

The Commission describes itself as the engine of the Union and the integration process (AUC:[7] 2004:7). The Commission of the African Union (AUC) is the secretariat of the African Union created by Article 20 of the Constitutive Act of the AU (AU 2000a:11). The Commission has 26 core functions as provided by Article 3 of the Statutes of the Commission (AU 2002b:2). The Commission is directly responsible to the Executive Council through its chairperson (AU 2002b:6). According to the Statute, the AUC (article 3) is the policy initiation, making and implementation organ of the African Union.

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[6] See reference: Institute for Security Studies
[7] See referenced as Commission of the African Union

According to Article 10 of the Protocol establishing the Peace and security Council, the Commission also plays a vital role in the Peace and Security of the Union (AU: 2002a: 14). Notably, the Commission is the central hub of the AU and thus, extends relations to every organ of the African Union.

The Permanent Representatives Committee (PRC)

The Permanent Representatives Committee was legally established in Article 21 of the Constitutive Act of the African Union. Section 1, rule 2 of the Rules of Procedure of the PRC, states that the PRC is directly responsible to the Executive Council (AU: 2002c 3). The PRC provides assistance to the Executive Council and is an advisory body of the Executive Council. Although the Permanent Representatives Committee is mandated to assist Executive Council in its work (AU 2000a: 11). For instance the Rules of Procedure of the Permanent Representatives Committee allows it the authority to consider and recommend on budgetary issues and audits (AU 2000c). In this respect the Permanent Representatives Committee wields significant power in decision making in the budget of the African Union, especially as the Executive Council has allowed it significant discretion in budgetary decision making (EC 2004b).

Economic, Social and Cultural Council (ECOSOCC)

The Constitutive Act of the African Union spells out the "…need to build partnership between governments and all segments of civil society…"; "…promote democratic principles and institutions, popular participation and good governance…" and "…participation of the African peoples in the activities of the Union…" respectively (AU 2000a:3,4,5). The ECOSOCC represents civil society and non-governmental bodies or representatives of the peoples of Africa within the governance structure of the AU. According to the Article 22 of the Constitutive Act of the African Union, it is an advisory organ. The Economic, Social and Cultural Council (ECOSOCC), has along with the Pan

African Parliament been described as the democratic control and monitoring organs of the African Union (AUC 2004:10). The statutes establishing the ECOSOCC was adopted at the third ordinary meeting of the Assembly in July 2004, with the official opening session held in Addis Ababa in March 2005 (AU website: http://www.africa-union.org/ECOSOC/home.htm). The ECOSOCC will consist of 150 civil society organisations, who shall be elected. Already, 25 countries and three regions (West, South East) have been adjudged to undertake elections. As at February 2008, elections had taken place in six African countries (Algeria, Cameroon, Egypt, Kenya, Sudan and Tunisia) and one region (East Africa), electing 22 civil society organisations, with 19 countries in the process of organising elections (AU: 2008).

In summary, the Assembly of Heads of State and Government of the AU represents the centre of grand bargaining and decision making in the African Union. The Executive Council is also an intergovernmental decision making and policy implementation forum, with supervisory powers over the Commission, the Permanent Representatives Committee, the Specialised Technical Committees and other commissions like the African Commission on Human and People's Rights. Notably, there are some organs with varying potential for supranationality, like, the Court of Justice, The Pan African Parliament, the Economic, Social and Cultural Council (ECOSOCC), and the financial institutions. These institutions have the potential to achieve deeper integration in the continent.

The next part of this discussion deals with the building blocks of African regionalism, the Regional Economic Communities. It also represents a somewhat bottom-up approach to African regionalism. Since the AU inaugural meeting in July 2002 in Durban South Africa, the Assembly has made decisions on the institutionalisation of other deliberative organs. Prominent and integral to this thesis is the Conference of African Ministers in charge of integration, with the objective of rationalising the Regional Economic Communities (RECs), instituted at the 7th ordinary session of the Assembly (AU 2006a). The conference is responsible for recommending the urgent rationalisation of the RECs,

leading the Assembly of Heads of State and Government of the Union to formally recognise eight RECs.

The Regional Economic Communities (RECs)

The Regional Economic Communities (RECs) are recognised in the Abuja Treaty as the building blocks of African regionalism. The amalgamation of the objectives of the Abuja Treaty provisions into the African Union, rather than supersede the ideals of African Economic Community (the expected final outcome of the Abuja treaty) reinforced it (AU 2000a:3). For instance, the Regional Economic Communities (RECs) form the integral component for deepening integration in the African Economic Community. The recognition of the role of RECs in the continental sphere by the Abuja Treaty and subsequently by the African Union, opens up a milieu for co-operation between the RECs and the African Union, far from the OAU's more detached engagement with RECs in the early 1960s (Thompson & Bissell 1973 341-342). This detachment resulted in a challenging relationship between the OAU and other continental subsystems like the Union Africaine et Malgache (UAM) and the East African Community (EAC). Nevertheless, there are certain concerns on how the RECs will be 'locked into the community agenda and compelled to accept and/or respect Community decisions…" (Asante 2001:9). This concern is justified based on the previous history of competition, fragmentation and complexities that had characterised the lateral and vertical relationships between the OAU and the numerous RECs (Asante 2001:10; Franke 2007:20). Notwithstanding, RECs are indispensable institutions within the new African regionalism space, providing the potential to the advantage or disadvantage of deepening integration in Africa.

The African Union has so far approached Regional Economic Communities in two broad ways; first as the fundamental components (building blocks) of African regionalism, hence their incorporation into the implementation of various AU plans like NEPAD (NEPAD 2002:34). Secondly, the AU seems to recognise the need for rationalisation of

RECs. This is through a process of reducing the number and streamlining the work of RECs for more efficiency and effectiveness in AU policy implementation. Thus at the 7th AU summit in 2006, in Bangul Gambia, themed, "rationalisation of RECs and regional integration.", the AU put into motion the process of rationalising and harmonising of RECs and their various policy issues (AU 2006b). Hence out of the numerous multilateral and bilateral co-operation blocs, the AU has recognised just eight RECs:

1. Economic Community of West African States (ECOWAS);
2. Common Market of East and Southern Africa (COMESA);
3. Economic Community of Central African States (ECCAS);
4. Southern African Development Community (SADC);
5. Inter-Governmental Authority for Development (IGAD);
6. Arab Maghreb Union (AMU);
7. Economic Community of Sahelo-Saharian States (CENSAD); and
8. East African Community (EAC);

In a more detailed list below, the objectives, status and members of 14 regional economic communities, including the eight recognised by the AU, are shown. It will be important to remember that in Africa there are multiple RECs within the same region and most countries have memberships straddling more than one REC.

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Members and objectives of Africa's regional economic communities, 2001

Community	Members	Specified objective	Current status	Comments
Arab Maghreb Union (UMA)	Algeria, Libya, Mauritania, Morocco, Tunisia	Full economic union	• Free trade area not achieved, but conventions in force for investments, payments, and land transport.	Integration has been moving slowly since 1995.
Central African Economic and Monetary Community (CEMAC)	Cameroon, Central African Republic, Chad, Republic of Congo, Equatorial Guinea, Gabon	Full economic union	• Monetary and customs unions achieved, and competition and business laws harmonized. • Macroeconomic policy convergence in place.	
Common Market for Eastern and Southern Africa (COMESA)	Angola, Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe	Common market	• Free trade area among nine members achieved in October 2000. • Customs union expected by December 2004. • Criteria set for macroeconomic policy convergence.	
Community of Sahel-Saharan States (CEN-SAD)	Benin, Burkina Faso, Central African Republic, Chad, Djibouti, Egypt, Eritrea, Gambia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Togo, Tunisia	Free trade area and integration in some sectors	• Study on feasibility of free trade area just launched.	
East African Community (EAC)	Kenya, Tanzania, Uganda	Full economic union	• Significant progress on free trade area. • Customs union expected by 2004–06.	
Economic Community of Central African States (ECCAS)	Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Republic of Congo, Equatorial Guinea, Gabon, São Tomé and Principe, Rwanda	Full economic union	• Study on free trade area considered for implementation.	
Economic Community of Great Lakes Countries (CEPGL)	Burundi, Democratic Republic of Congo, Rwanda	Full economic union	• Preferential trade arrangements signed.	Integration at a standstill since 1994.
Economic Community of West African States (ECOWAS)	Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo	Full economic union	• Tariffs removed on unprocessed goods. • Full elimination of tariffs on industrial goods not yet achieved. • Second monetary zone in progress. • Peace and security mechanism in place. • Macroeconomic policy convergence in place.	
Indian Ocean Commission (IOC)	Comoros, Madagascar, Mauritius, Réunion, Seychelles	Sustainable development through cooperation on diplomacy, environment, and trade	• Vibrant trade programme elaborated. • Virtual University of Indian Ocean created.	Political issues have slowed progress.

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Members and objectives of Africa's regional economic communities, 2001

Community	Members	Specified objective	Current status	Comments
Inter-Governmental Authority on Development (IGAD)	Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda	Full economic union	• Multilateral programmes elaborated in key priority areas (agriculture and environment, political and humanitarian affairs, and regional economic cooperation, including physical infrastructure projects).	Intrastate and interstate conflicts have slowed progress.
Mano River Union (MRU)	Guinea, Liberia, Sierra Leone	Multisectoral integration	• Some training institutions created. • Programmes elaborated in some sectors.	Political issues have slowed progress.
Southern African Customs Union (SACU)	Botswana, Lesotho, Namibia, South Africa, Swaziland	Customs union	• Customs union achieved, as well as monetary agreement among four members except Botswana.	
Southern African Development Community (SADC)	Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe	Full economic union	• Free trade area launched in September 2000. • Power pool in place. • Peace and security mechanism in place.	
West African Economic and Monetary Union (UEMOA)	Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, Togo	Full economic union	• Customs union achieved. • Business laws harmonized. • Macroeconomic policy convergence in place.	

Source: *Economic Commission for Africa, from official sources. See appendix tables A2 and A3.*

Table 4.1: members and objectives of African regional economic communities (source: UNECA)

The table shows that the RECs are at different levels of integration, some having moved towards certain levels of integration. Considering the representation in the table above, with the exception of five RECs, the common objective the 14 RECs in Africa is that of full economic union. Despite this, most countries belong to more than one Regional Economic Community at different levels of integration. For instance, all Francophone members of the Economic Community of West Africa States (ECOWAS) belong also to the West African Economic and Monetary Union (UEMOA). These two RECS have full economic integration as their objective. Nevertheless already with a customs union, there seems to be more progress in terms of integration in UEMOA. ECOWAS has only achieved the elimination of tariff barrier on unprocessed foods. It can be seen from the table, that most African countries prefer to enter into agreements where there is likelihood of speedy benefits, where there are common interests like historical colonial boundaries and embrace the low risks that smaller groups can produce. Nevertheless, the

multiple memberships brings with it a disadvantage in the sense that commitment to signing and implementing multiple protocol agreements is low (UNECA 2004:48). There is also concern about duplicity of sectoral and trade policy agreements among others and since there is little harmony in the trade and policy preferences of the different RECs, there is also a likelihood of varying priorities. It is therefore a step in the right direction for the AU to call for and implement the rationalising of these RECs.

The Abuja treaty establishing the African Economic Community of 1991 was the first treaty to lay emphasis on the role of institutions in African integration. In it, the Regional Economic Communities received status as the central agency for integration, as building blocks of the African Economic Community. Article 88 of the treaty states that the "community shall be established mainly through the co-ordination, harmonisation and progressive integration of the activities of regional economic communities" (OAU 1991: 58). Nevertheless, there are salient issues to consider if this symbiosis can be achieved. The next section attempts to critically assess the institutional provisions in terms of the relationship between RECs and the African Economic Community or the African Union in integration.

RECs as Building blocks of African integration

The idea of RECs as building blocks of African integration was first introduced legally in the Lagos Plan of Action (LPA) spearheaded by the Economic Commission for Africa (UNECA) in 1980 (UNECA 1980:5). The idea was then carried forward to chapter 19 (article 88) of the Treaty establishing the African Economic Community popularly known as the Abuja treaty of 1991(OAU 1991:58) and consolidated in article 3(L) of the Constitutive Act (OAU 2000a:5). Nevertheless, there is a need to explore this building block role to better understand the role of RECs within the greater integration plan. By so doing, give context and history to the envisioned role of the Pan African Parliament.

The Lagos Plan of Action subscribed to the idea of a horizontal approach to regional integration in terms of the importance accorded to RECs in the implementation of the action plan (OAU: 1980:99; Ownuka 1985:64). This involved an implementation strategy for regional integration which entailed the establishment, strengthening, co-ordination and harmonisation of the Regional Economic Communities. The Abuja Treaty of 1991 (OAU 1991) went further to institute the RECs as the foremost route to an African Economic Community (AEC). The treaty devotes articles 6 and 88, to the role of Regional Economic Communities. According to the treaty, the RECs are expected to work toward the ultimate objective of establishing the African Economic Community, and thus contribute to deepening African integration. It provides a six staged plan as in Article 6, and included as part of this process is the gradual removal of tariff barriers and non-tariff barriers to intra-community trade. These are:

1. Strengthening existing and establishing new RECs
2. Stabilising and quantifying existing trade, non trade barriers, customs duties and taxes in all RECs; and strengthening, harmonising sectoral integration.
3. Establishment of Free Trade Area at the level of RECs; Customs union (common external tariff).
4. Co-ordinating and harmonising all Tariff systems among RECs en route to establishing a continental Customs Union.
5. African Common Market: adopt common sectoral policies; harmonise monetary policies, and immigration.
6. African Common Market, African Monetary Union, Integration of sectoral policies, a fully functioning Pan African Parliament; other structures of the community.

In summary, the strategy for the African Economic Community entails sub-regionalism (RECs), sectoral integration, immigration, and harmonisation of policies. As has been represented in the legal frameworks, harmonisation and co-ordination is the methodology for building the AEC. This means the establishment of guidelines and frameworks aimed at moderating RECs integration actions, legislations and behaviour. Consequently, all nation states are to undertake that their commitment to the RECs spells commitment to

the AEC. The AEC will in turn co-ordinate and harmonise the activities of the RECs (OAU 1991: 58). The Treaty also introduces the issue of rationalisation at the regional level and the responsibility of member states in this regard.

Rationalisation is relevant considering the general feeling that the proliferation of RECs did little to improve intra-regional trade or development (Onwuka 1985; 63, Shaw 1985:11; UNECA 2004; 32; Kennes 1999; 29). From the foregoing, one recognises that RECs play a major role in African integration implementation process. It can be argued that the RECs represent a unique approach to the institutionalisation of integration processes. Nonetheless, the role of the RECs can be critically assessed from two angles. The first has to do with the relationship between the micro (RECs) and macro (African Union) institutional structures in terms of the harmonisation and co-ordination of the RECs. Secondly, the potential of the RECs as variable geometry tools despite issues of viability and multiplicity is also critical in debating the building block role of RECs.

The Protocol on the relationship between the AEC and RECs is the instrument that manages the relationships between the macro and micro institutional structures of the economic communities (OAU: 1998b). Here, the role of the African Union is to strengthen existing RECs, establish one where none existed, co-ordinate and harmonise the policies, programmes and activities adopted by the various RECs and integrate these RECs into the African Common Market. This is seen as an effort to avoid duplication of policies, activities and programmes in the RECs and the proposed African Economic Community, or in essence the African Union (OAU 1998b).

The Protocol provides that this task be managed through a Committee on co-ordination and a Committee of Secretariat Officials (of the RECs). Be that as it may, so far, the burden of overseeing co-ordination and harmonisation rests with the Commission of the African Union (AUC) and African Ministers in charge of Integration as seen in recent decisions on RECs taken by the Assembly at the 7th summit of the AU in 2006 (AU 2006a). From recent reports on the process so far, there is weak co-ordination and as a result, many of the RECs are yet to align their policies, programmes and treaty provision

with that of the AEC treaty (UNECA 2004:42). The links between the RECs and the African Union are given legal impetus in regional treaty provisions and the co-ordination organs. Even so, one of the biggest challenges to the strategy of RECs as building blocks (Asante 2001:9-10), is the question of how willing the RECs are to submit themselves to the legal imperatives of the Protocol.

It has been suggested that the phenomenon of RECs in the larger African integration picture can be viewed as a "variable geometry solutions or approach" to integration (Kennes 1999:27). This European Union approach constitutes the formation of multiple groups within the larger group focused on different policy issues, programmes and projects. The approach has been utilised as a decision making tool in co-ordinating national policies which are of particular significance to a group of countries, but not to others. Thus, a variable geometric approach is seen as a great resource for expedited decision making, in multi-membership groups. Conversely, it is debatable to consider the present African regional structure (REC/AEC relationship) as a variable geometric approach. This is because, firstly, most of these RECs developed independent of and prior to the larger regional instruments, thus, they are not part of a rationalized process. For years, policies, programmes and projects of RECs were fragmented, lacking co-ordination and harmonization at the centre. Secondly, the idea of RECs in African integration is to harmonise policies, programmes and projects, not departmentalise the AU programmes for regional convenience. Moreover, although most members join these communities to maximize benefits of integration in terms of their interests (UNECA: 2004:41), the regimes and demands of belonging to these RECs can be resource constraining.

The role of RECs within the framework of the Abuja Treaty and later, the AU is such that although RECs were not initially geared towards being units for variable geometric solution, their building block role may include elements of this approach. Then again, according to the UNECA report on the assessment of regional integration in Africa, RECs can play a building block role only if there is complementarity across RECs, commitment of "slow integrators" to ratify protocols, faster implementation, reduction in

length of negotiations and political will (UNECA 2004 50-51). Hence, there is a challenge of what RECs' building block role entails and also how to properly manage RECs to fulfil the building block role. The role of the Pan African Parliament becomes crucial in considering the challenges within the co-ordination and harmonisation mechanism, especially as it relates to promoting RECs commitment to the African Economic Community. The constitution of PAP as a grassroots and legislative institution and its relationship with Regional Parliamentary Assemblies (RPAs) can create negotiating advantage for the bottom-up process of integration, so far envisaged.

4.3.2 Leadership and Governance in the African Union

Since the dawn of the new millennium, there seems to be a slow but consistent stride towards the more obvious elements of good governance in African states. Global trends show a steady global drop in autocratic leadership, from the mid 1970s; a steep rise in democracies and anocracies from the early 1990s; the highest record of democratic leadership across the globe rising to 77 countries in 2006 (Hewitt 2008:13). Globalisation has the tendency to dictate character and form, thus, these trends have not escaped Africa. For example, Nigeria has since 1999 reined in military dictatorship and there have been higher levels of political stability in two thirds of African countries and political reform in former warring states like the Democratic Republic of Congo, Angola, Sierra Leone and Liberia (Human Security Centre 2005). Although this may be attributed to the general decline in global conflicts since after the cold war, the point is that political violence especially civil wars in Africa has steadily declined (Human Security Centre 2005: 15; Hewitt 2008:12). The issue remains though, that in terms of the key indicators for good governance and stability, African countries still rank at the bottom of the pile.

In 2007, although some African countries like Nigeria had moved up the index ladder of the Transparency International corruption index, with the exception of Botswana and South Africa, all African countries rank below 5 points on a 1-10 range from most corrupt to the least corrupt (Transparency International 2007). Additionally, the Foreign

Policy magazine's failed states index (Foreign Policy 2007), shows that while countries like Liberia and the Democratic Republic of Congo have improved in terms of the 12 socio-economic, military and political indicators such as human rights, demographic pressures and the economy, only South Africa is listed as having stability status, all African countries are either critical, in danger or borderline in terms of instability. While there is a plethora of challenges in Africa, like security issues and gross human rights abuses in the Sudan, the positive developments since the beginning of the millennium, perhaps can be interpreted as showing a higher level of political will and commitment in terms of African integration and development. This is however subject to debate and research. Then again, can these improvements be construed as showing a long term disposition on the part of African leaders to a continental turn around? This question needs to be pondered because in considering the role of African regional integration institutions, it will be necessary to understand the designers of these institutions and the motivations and intents that inspired their emergence. Delving further into these issues it will be relevant to first examine governance within the African Union in recent years.

Governance in the AU

The concept of good governance was first used in the 1989 World Bank publication *Sub-Saharan Africa: from Crisis to Sustainable Growth* (World Bank 1989). Since then the concept has been absorbed by the international development community as a precursor to sustainable development amongst other things. Governance has been defined by the World Bank in different ways at different times. In a recent report, the World Bank defined governance as"...the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services" (World Bank 2007:3). The United Kingdom's Department for International Development (DFID) proposes three main components of good governance (DFID[8] 2006:20):

- State capability – this deals with how far and how much leadership and governments are able to carry out mandates. It also embodies competency, which

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[8] See reference: Department for International Development

entails ensuring the efficiency, effectiveness and economy in the formulation and implementation of policy as well as service delivery.

- Responsiveness – people focused, it deals with whether government policies and institutions are able to respond to the needs and rights of the citizens. It deals with the respect for law and the protection of human rights.
- Accountability – the ability of citizens, to hold governments and public institutions to account, it goes beyond mechanisms of the state that dictate answerability of public officials and leaders, by drawing on the consent of the governed.

These good governance tenets are equally captured in a World Bank policy working paper (World bank 1999:1), in which governance is defined as:

> "...the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them".

The African experience shows that for many years, issues of good governance and reform mattered, but they did not dominate the agenda of the regional organisation (OAU). This was largely because, the goal of Africa as a collective was centred predominantly on ending colonialism and apartheid (Nkrumah 1965:11; Mazrui & Tidy 1984:344). As a result, political relations between African nations were principled on non interference (OAU 1963a:3 Mathoma et al 2000:3). This culture of non interference by the Organisation of African Unity (OAU), and the independence and sovereignty incentive that drove the organisation, encouraged the continental negation of internal issues of accountability and transparency in many African states. This has been considered as detrimental to African development and regional integration. Accountability and transparency illustrate a people centred leadership, based on broad participation of civil society and the citizenry in governance, and the responsibility of government and

political office bearers to give account to the people. On the contrary, for many continental observers, over the years, African continent has established a legacy as a world region in dire need of political, economic and institutional reform as a result of civil wars, human rights abuses, economic depression and dictatorships.

With the independence of African states, one of the greater challenges of leadership in Africa was democracy in the environment of survivalism and dependence on stronger nations (Vil-Nkomo 2002:295). For many years this relationship was submerged in dependency, where "…a country's position in an international system of dependent or unequal exchange and political control, conditions its development strategies and achievements" (Uchendu 1980:6). Originating largely from the Latin American development history, (Velasco 2002:44; Uchendu 1980:6), and embraced by African countries (Owusu 2003:1655), dependency was the theory of underdevelopment of peripheral countries, sentenced to a marginalized existent by the rich countries at the centre. International dependency therefore encouraged national subordination for poor countries like African states, and fostered international exploitation by rich nations. The pivotal idea behind dependency was global inequality. According to Velasco (2002:44), it is a potent idea, which places all blame of third world problems at the door of hegemonic powers.

This approach though, bore no dividends for the continent as Africa recorded a tumultuous economic melt down in the 1970s. During the 1980s, the idea of the New International Economic Order (NIEO) of the 80s (Laszlo et al: 1981:1), aimed at delivering Africa from its economic woes and correcting the imbalances and inequities between poor and rich countries, yet again failed to address this African inequality in the global system. In reaction to the economic crunch, African heads of state in the Monrovia declaration of 1979 had enthusiastically vowed to entrench African self-reliance, self-sufficiency and the development of an interdependent African economy as the fundamental principle in bridging the gap (OAU 1979). Radical views from this position were that in order for Africa to achieve integration, it had to dissociate itself from its ties to colonial economies as this dependence was detrimental to Africa's survival (Shaw

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1985:11, Onwuka 1985:63). African regionalism then was more for scoring political points in terms of the balance of power between Africa and the international community. Regardless, throughout that decade and the next, African countries continued to grapple with crippling debt and economic marginalisation as Africa struggled to conform to the dictates of the supercilious new international economic order, in economic models like the 1980s Structural Adjustment Programmes of the Bretton Woods Institutions.

Years later, towards the end of the 20th century, the burning issue that faced African integration moved away from concerns for freedom, independence and protectionism. This is seen in the 1999 OAU Algiers declaration that "the end of the Second Millennium represents for Africa, the demise of an era characterized by colonization and its tragic trail of domination, plunder and negation of the African personality" (OAU 1999a:2). Critical to this era was the realisation of a changing global landscape, where Information and Communication Technology (ICT) had transcended the limitation of time and space, compressing social relationships and entrenching a commonality of values. These changes became the grounds for the calls for the implementation of change in the OAU, as African states yet again realised that the deterritorialisation of borders meant that there was no way African nations can survive solely on self sufficiency.

As a result, the principal issue was *how best* to position African regionalism to compete favourably in this highly globalised world. A world modelled by Gill (1997:5), as involving at its forefront, primarily an Anglo- American, neo-liberal set of theories and practices. This concern was reflected in the 1999 OAU Algiers declaration in which African heads of state acknowledged that:

> "First, globalisation is undoubtedly the most widespread of these challenges…it poses serious threats to our sovereignty, cultural and historical identities as well as gravely undermining our development prospects. We believe that globalisation should be… implemented collectively to make it an institution capable of fulfilling the hope for a concerted development of mankind and prosperity shared by all peoples." (OAU 1999a:5)

In other words at the end of the 20th century, Africa was looking for a collective way to respond to a new world order best described as northern driven and steeped in neo-liberalism and democracy prescripts. This meant that the socio-economic and foreign policy of poorer countries had to reflect the stipulations and conditions that northern donor aid countries imposed. Hence the critical values that guide global multilateral arrangements become central to this discourse.

Still, by the last decade of the 20th century, globalisation had expanded the influence of neo-liberal thought and the Northern concept of good governance around the world. These contemporary globalisation processes involve structural disruptions in the form of public/private shift and marketisation of the forms of state. Global policy trends as underlined by the growing pace of global economic restructuring, presented a predicament to African countries in trying to meet up with the challenge of globalisation.

The issue here is that the philosophy of the IMF in terms of micro and macro economic stability and regeneration of countries is slanted towards hegemonic and neo-liberal rules set by the developed economies, advocating the principles of good economic governance. Therefore the demand for accountable leadership and open market policies on African borrowing countries by international donor institutions amongst other factors led to the refocusing and redefinition of Africa's priorities for the new millennium and as a world player. Thus, the 1990s presented to Africa a rapidly changing world represented by structural adjustment and mounting pressures to reform governance.

According to a United Nations Development Programme (UNDP) report, the realm of good governance is ensuring that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of resources (UNDP[9]: 2000: 54). In fact the concept of good governance, emanated from the ranks of the World Bank in 1989 (Chowdhury & Skarstedt 2005:4). There have been many knocks by African scholarship in particular on the concept of good governance especially as seen in the light of the

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[9] See reference: United Nations Development Programme

Bretton Woods institutions (Mafeje 2002: 82). In this case rather than the purely technical approach to governance in terms of the prescript of the World Bank, based on efficient service delivery, accountability, transparency and sustainable development, the concept of good governance sees governance from a social light where the citizens' voice matters.

With mounting problems in Africa's political economy, donor countries also began to demand transparent leadership and democracy as a precursor to economic sustainability. However, this concept equally posed a challenge for African leadership as the OAU's preoccupation with politically burning issues such as ending colonialism and apartheid (Nkrumah 1965:11; Mazrui & Tidy 1984:344), put governance issues like transparency and accountability in African leadership in the back burner of African integration for many years. Therefore, the OAU, except in exceptional cases ignored state internal politics based on a principled non-interference stance.

Nevertheless, there is a cautious acknowledgement of change. With a changing global landscape due to the end of the cold war, globalisation and strides in information and communication technology (ICT), the need for Africa to reform priorities for the 21st century has become more daunting. The ripple effect of neo-liberal reforms from northern countries like the United States and Britain, Latin and Asian countries like Mexico and China have impacted greatly on the continent. The demand for accountable leadership and open market policies by international donors amongst other factors have led to the refocusing and redefinition of Africa's priorities as a world player in the new millennium.

Going into the 21st century, good governance prerequisites seem to have become priorities for the OAU, as evidenced in the 1996 Yaoundé and 1999 Algiers summit declarations of the African heads of state on the need for reform within the Union, in light of the approaching millennium (OAU 1996:16; 1999a: 5). The move towards reform has resulted in the African Union with a new security mandate (Peace and Security Council), as well as an economic recovery plan (NEPAD) with a good governance review mechanism appendage (APRM). Further more, the opportunity for civil participation,

responsiveness and accountability in the African Union governance opens up in the Pan African Parliament (PAP) and the Economic, Social and Cultural Council (ECOSOCC), as well as the many AU conventions on Human rights and the establishment of the African Court of Justice and Human Rights.

African leaders through NEPAD and the APRM are pursuing economic integration by opting to adopt sound economic and governance principles (NEPAD 2002: 3-12). The basic premise of NEPAD is the canvassing of democracy, good governance and peace in Africa in return for increased aid, investment and debt relief from developed countries. As a testament to the African reform progress, the APRM has launched reviews in 13 countries, completed and published in 3 countries Ghana, Kenya and Rwanda, with the South African/Algerian final report submitted to relevant parties (UNECA: 2007b). Selected indicators of progress in Africa show reform in private sector development, human development, infrastructure and capable states (World Bank 2007: iii). Although there is still debate about how much NEPAD is part of the AU (Adesina 2004); its continental and global buy-in legitimises it as an AU programme. Moreover, the conditionality reposed in participation in the NEPAD and APRM programmes indicate the potential for externalisation, compelling peripheral states to take the necessary steps to join in.

As a final point, it has been noted that in Africa, there are strides in terms of good governance. Ideally, the rhetoric of leadership in the Africa over the years, as evidenced in the OAU charter has been aimed at the betterment of the lives of the peoples of Africa, albeit with the strict political non-interference code. Thus as a testament to this, the emergence of the Pan African Parliament, with a focus on the participation of African people in continental governance was perhaps a matter of time. Nonetheless, it is the process of making noble objectives a reality which is juxtaposed with the challenge of institutions like PAP to thrive in the face of old legacies that becomes manipulated by interests, bargaining and the game in group decision making dynamics.

Next, to gain a better understanding of the intentions, long term and short term interests of the designers of the Pan African Parliament, a further inspection of the leadership persuasions within the continent will suffice. It is important to note that within the realm of regional governance, leadership is crucial especially in studying the emergence and growth of institutions of integration. Thus, the subsequent sections will deal firstly with the leadership environment of AU policy making. Next, it will examine how the environment of African leadership has impacted on the development of the legal framework establishing the Pan African Parliament, as well as how these provisions position the PAP in terms of growth and influence in African regionalism.

Leadership in the AU: interests and rationality in institutional emergence

Group interests (internal and external) and instrumental state powers have featured in major integration events and landmarks in Africa's history. Take the OAU emergence in 1963, which in its self was a compromise between three major interests in Africa at the time, the Casablanca, Brazzaville and Monrovia groups. Termed 'inter African cleavages' by Walraven (1999:106), these groups represented the radical, the conservative and moderate group of states respectively. Interests in the groups ranged from total revolution against ex-colonialist states (a radical position which also tied into an abnegation of certain levels of sovereignty for deeper African unity), to the preserving of external political ties, a conservative position that insisted on the tenet of sovereignty and non-interference.

Prominent in the play of interests was Nkrumah's vociferous verbalisations of supranationality, which although having ideological support from leaders like Tanzania's Julius Nyerere (Sturman 2007:4), was also resisted by Nyerere along with the conservative and moderates as far as suspicions on Nkrumah's ulterior motives were. This was particularly given Nkrumah's tendencies towards political interference in other states and an aggressive ambition towards a possible Ghanaian hegemony (Thompson &

Bissell 1973: 343; Walraven 1999:111). Nonetheless, during this time the real core of power manipulations lay in the three splinter ideological groups that had emerged. Reflections on the question of sovereignty and the issues of supranationality during these early years show the power dynamics and interests between the left wing and right wing groups of Casablanca and Brazzaille (Union Africaine et Malgache: UAM) and the interventions of the moderate (Monrovia) group.

The Union Africaine et Malgache (UAM) wanted to maintain what they saw as a mutually beneficial relationship with colonial nations of France and Belgium. In so doing, the issues that dominated politics between 1960 and 1963, namely, the Congolese and the Algerian crises produced a deep wedge of division between the militant anti-colonialism interests of the Casablanca states and the pro western conservative states of the UAM. Soon, the clash of interests extended to allied states. This was so because, as the Congo and Algerian debacle was resolved, it resulted in the death of a rallying point for the Casablanca group (Walraven 1999:123). Consequently, other continental issues like the Togo coup, caused a rift between two radical nations of Guinea and Ghana. This led Casablanca leaders like Sékou Touré of Guinea to gamble for reconciliation with the Monrovia and Brazaville groups resulting in the compromise that established the OAU in 1963 in Addis Ababa. In this compromise, the radicals seemed to have only achieved a shadow of their intents in terms of the aspirations of a supranational OAU as seen in the resolutions of the first conference of the OAU, (OAU 1963b), while the conservative/moderates got the substance, a visibly and institutionally entrenched legal pronouncement on the right to sovereignty (OAU charter articles 2 c, 3 1-3).

The OAU thus became the negotiated decision taken in the face of a collective choice problem. This OAU compromise in 1963 though, did not satisfy all the parties. Between 1963- 1965 at Cairo and Lagos summits respectively, Nkrumah, in the face of non-popularity at home, pushed his ideological interests of establishing a continental supranational body. In addition, the perceived unity of the UAM states (Brazzaville group), was resisted by certain parties. Unfortunately, in approaching the issue Ghana preferred a total dissolution of the UAM while leaders like Sékou Touré and states like

Mali, put pressure through the OAU to assimilate the regional unit as a building block towards African unity. Thus, there was deep fragmentation in terms of alliances and distrust between different groups: the UAM states and Ghanaian leader Nkrumah, and between Ghana and the former ally Guinea (Thompson & Bissell 1973:342). The group friction at the time equally provided opportunity for the OAU to increase its powers. Thompson and Bissell (1973:338) submit the following about the OAU at the time "as the environment was clearly dynamic in character, however, it was evident that new demands for action by the organization would develop which, if responded to by the states in concert, could strengthen both the authority and legitimacy of the OAU." It can be argued then that the shenanigans that went on during the time provided opportunity for the OAU to increase its legitimacy and power. The OAU unfortunately, could not manage the rifts between its members effectively and thus remained constrained by the highly statist nature of the bargaining environment as well as a lack of capacity to expand tasks in the centre. Other manifestations of these weaknesses are seen in the OAU failure in containing regional conflicts in the Nigeria/Biafra war in 1967 (Legum 1975:213), and the subsequent Congo crisis.

During the life of the OAU, the question of a supranational continental body was a recurring one. The need and wish for African unity was certainly evident. The bone of contention though, was the form the continental system will take. Initially the OAU was a forum for bridging political gaps, yet supranationality implied "escaping politics". According to Legum (1975:212) "…the OAU has come to play the role of mediator, conciliator and arbitrator- all three roles being institutionalised in an OAU convention." This does not mean that the OAU did not make attempts to engage the unobtrusive. The OAU also showed a desire to adopt a less obtrusive style towards African integration as is seen in some decisions on economic co-operation taken by African heads of state subsequently. This was especially during the 1970s global economic meltdown evidenced in the 1973 summit declaration on co-operation, development and economic independence of the continent, which was a declaration of intent on economic integration in Africa (OAU 1973). The Monrovia declaration of 1979 (OAU 1979) on a new International Economic Order paved the way for the development of a concrete way

forward towards an economic integration goal in the Lagos plan of Action of 1980. The 1980 Lagos Plan of Action introduced a concrete plan for an African Economic Community (OAU 1980:5). Laudable as these policies and declarations were, Mutharika's argument (1972:15) that African leaders always put political realities first when considering economic development problems comes to mind. Thus the politics of integration rather than the economics of integration always took centre stage. It was not until the end of the cold war, beginning from the 1990s, that a new form of Africa's future in terms of integration began to emerge. The next section investigates this emerging trend in African regional integration from the 1990s. It will be examined from the angle of PAP's emergence. This is because it was from 1990 that the reality of the PAP as an institution of the AU began to emerge.

4.4 The PAP/AU interface

The European Union provides an illustration of how institutions can grow into a life of their own, acquiring different levels of supranationality within a polity. It also sheds light on the possible factors that manure this growth. As a beacon for African integration, the EU shows that it is needless to create institutions if there is no room given for viable growth. Incidentally, members of the AU agreed in the Constitutive Act, ratified by all 53 states to take measures to strengthen common institutions and provide them with the necessary powers and resources (AU 2000:3).

In pursuing integration through institution building as African integration seems to show, the causal interaction between institutions and policy outcomes is important. Thus the institution becomes as much a focus of policy research as the behaviour of political actors within a system. Institutionalism (new and old) sees institutions as political actors (March & Olsen 1984: 738) in their own right. In so doing, institutions, such as political bureaucracies, legislative institutions like parliamentary committees and courts become the arena for straightening social forces, and institution structure, procedure and rules becomes the instrument that shape and position interests. Thus as noted by Thelen and

Steinmo (1991:2), institutions 'constrain and refract politics...' and consequently, can be viewed from a causal position, influencing society. Put another way, institutions can be studied and analysed also as an independent variable in terms of the role they play in providing structure, stipulating rules and boundaries and shaping human relationships within a polity. There is need to also point out that there are intervening variables which also affect institutional outcomes. Therefore, if institutions matter within a polity, in order to play this constraining and refracting role, there are certain conditions that need to exist.

Within this frame of reference therefore, this section examines the PAP/AU institutional interface, considering in particular the origins and elements of institutional growth in the Pan African Parliament. This excursion is designed to reveal the strengths of the Pan African Parliament as an institution moving towards possible supranationality and the constraints within its institutional space which could spell self encapsulation or dysfunctional decline. It aims to explore the capacity for growth as well as the possibility of institutional stagnation in the Pan African Parliament. Arguably, a viable approach to this exploration will be to trace the origins of PAP and the intents of PAP designers.

4.4.1 The emergence and growth of PAP

In exploring the issue of institutional design and growth, it is relevant to find out who the institutional designers of PAP are and how they behave. According to Pierson (2000:477), rational choice institutionalists argue that an institution exists because it is there to serve a function, which would imply a collective choice problem. A good example to consider is perhaps the development of the OAU 1979 Lagos Plan of Action (LPA) and the Final Act of Lagos (1980), the policy instrument that came up as a solution to the 10 year African Economic melt down between 1969 and 1979 (Mafeje 2002: 74; Adedeji 2002:38). Consequently, there is a need to address the issue of the problem if any that PAP seeks to solve. In terms of how designers behave, this section

will explore evidence or the lack thereof of long term as against short term interest and thus intents of PAP designers. Based on these intents, it will examine if the institutional arrangements in the Pan African Parliament reflect the outcomes intended by PAP designers. The main principles of rational institutionalism are thus explored, giving due credence to the limitation within this thinking, which consider historical and sociological analysis of institutional evolution. In this case, "actors may be motivated more by conceptions of what is appropriate than by conceptions of what would be effective" (Pierson 2000: 478). Therefore, at the macro level the emergence of the Pan African Parliament will be explored, supported first by an inquiry into the leadership dynamics in the continent, interests and bargaining within the regional integration environment. Next, these interests and bargaining influences will be weighed up against PAP's institutional arrangement. Hopefully, this will pull out the functional significance of PAP to its designers and by implication within the African Union. To illustrate this point further, consider the many questions about the significance of NEPAD in the African Union. Many scholars are at odds on how to relate the NEPAD to the AU, attempting to give reason and prescriptions to the detachment of NEPAD in the AU system (Adedeji 2002; De Waal 2002; Gottschalk & Schmidt 2004). But, Adesina's (2004: 131-135) perspective account of the origin and evolution of NEPAD, went further than most of these accounts by not only revealing NEPAD's principal designer (Thabo Mbeki), but also showing how the intentions of Mbeki as designer are manifested in NEPAD's present arrangement. This provides the critical gateway in understanding NEPAD's disengaged relationship to the AU and also inspires suggestions as to how it can be grown into the AU system.

Secondly, at the process level, the institutional arrangement and process of institutional growth is of importance to the study as far as the practical implications of neo-institutionalism prescripts such as rationality and spillover as concerned. Is the Pan African Parliament's present institutional arrangement the result of rational intentions of its designers, if so what is the significance in the AU, if not what informed the present institutional arrangement. The next question will be what is the potential for growth based on the present design of the Pan African Parliament? Here, a perusal of the

strategic plan of the Pan African Parliament and the nature of AU decision making will serve to show first PAP's role in decision making considering core institutions within the PAP such as the committees, plenary, the bureau, the secretariat, as well as the functional growth and weak points within PAP. Hopefully these arrangements in the Pan African Parliament will reveal institutional considerations that could propel the PAP towards supranationality and by implication deepen African integration.

Theorising the path to PAP's emergence

Undoubtedly African leaders have unanimously consented to the need for African integration. But, the form of this integration has the bone of contention in African regionalism and still remains at the centre of integration discourse. Consequently, in negotiating its present gradualist form, the leadership tussle and interest between states which led to the compromise of the OAU and subsequently the AU. Accordingly, there is merit in studying these points of interlocking leadership and how they have shaped African integration.

Rationality supposes that institutional designers consciously weigh the potential social and political outcomes of their decisions. Yet, assuming that African leaders are rational decision makers with long term interests may be a bit simplistic based on the historical, social and political context of African leadership as has been discussed. This assumption can also be construed as speculative, considering that at this point there is little empirical evidence that gives credence to that fact. Nevertheless, it is probably a safe place to begin from in analysing emergence and growth in the Pan African Parliament as it begs the question of functionality. It is suggested that starting from a rational base will highlight the designer intentions that played a role in the establishment of the PAP. It will also indicate the utilitarian short and long term interests of PAP designers. Moreover, an idea of the motivations behind the design of the PAP will possibly reveal designers intents and thus, open up a window for analysis into the potential for PAP to grow or decline. Moreover, from a teleological view point, rational models can serve as a starting point

towards examining those 'thicker' design considerations like unintended consequences and appropriateness, which relate to the ability of institutions to escape (spillover) the functional consequences of decision making. In this case, institutions develop a life of their own. Spillover implies growth and the circumstances that can contribute to the natural expansion of spillover according to Schmitter (1969:164) include the following:

1. A defined policy area or transaction (scope)
2. Collective agreement from members (level)
3. Play of interests/disagreements/conflict
4. Issue density
5. Unintended consequences
6. Role of regional political elite

From the foregoing, the play between interests and rationality within the regional integration space, contribute to the growth of an emergent regional entity like the Pan African Parliament.

Designers of the Pan African Parliament

Rationality entails a connection between institutional function and institutional designers. Rational choice institutionalists argue that institutional designers are rational, think in the long term and generally expect certain outcomes if there is genuine interest in the issue at hand (Riker 1980; Sheplse & Weingast 1987). But, according to Pierson (2000:449), these attributes assume that designers have care for the future, are confident in being able to influence the future and employ a systematic determination of risks. There are suggestions that appropriateness of potential decisions, possibly motivated by cultural persuasions, more than rationality plays a bigger role in the design of institutions (March & Olsen; 1989 Hall & Taylor 1996). Bearing this in mind and considering the emergence of the Pan African Parliament, this section will attempt to identify key actors in the design of the Pan African Parliament and examine if rationality (means-ends

determinations), or appropriateness (issues of legitimacy and allegiance), played a part in the motivations behind the emergence of PAP.

Designers: 1986-1999

The Pan African Parliament emerged from the efforts to integrate popular participation in the continental democratic and development efforts in Africa's growth. The United Nations Economic Commission for Africa (UNECA) has since 1958, played a critical technical role in regional integration in Africa. For instance the UNECA was the power house behind the formulation and adoption of the Lagos Plan of Action (LPA), where the idea of an African Economic Community was first muted (DeLancey 2001:109). The UNECA as one of the UN's regional commissions, occupies a unique position in terms of its mandate. It has a stake in the African integration system to preserve the African essence of unity, while cognisant of the need to adopt Western formulated economic and political policies of the United Nations. Thus, as can be garnered from its website at http://www.uneca.org (UNECA 2007a), the UNECA has over the years maintained a close working relationship with the OAU, in terms of physical proximity but most of all through its conference of African Ministers of Finance, Planning and Economic Development. Presently in the AU, the UNECA is also providing technical support, advocacy and policy analysis in economic development and integration matters, especially as it has to do with Regional Economic Communities (UNECA 2007a). This technical relationship is evidenced over the years in the OAU's reliance on the UNECA to plan and strategise on integration matters. For instance, in 1979, at the height of the economic melt down in African states, the Assembly of heads of government in the Monrovia declaration of 1979 gave UNECA the mandate to prepare an economic plan for Africa (OAU 1979). The Lagos Plan of Action and the Lagos Final Act (OAU 1980) were the result of this task. Still, in preparing such a plan the UNECA had to take into cognisance its unique circumstance which is pushing for the economic integration and development of Africa, within the global political economy.

Already, chapter eight of the UN Charter provides for participation in the regional and sub-regional peace and security system. In 1976, the UNECA produced its first landmark document on Africa titled the *Revised Framework of Principles for the Implementation of the New International Order in Africa.* This document was premised on four principles for the development of Africa, one of them, the democratisation of the development process (Adedeji 2002:38). Nevertheless, so far as popular participation in African continental governance is concerned the United Nations' Programme of Action for African Economic Recovery and Development UNPAAERD (1986-1990), opened the way for popular participation in African Integration (UNECA 2004). Under the auspices of the UNECA, the UNPAAERD, by highlighting the need for the effective participation of African peoples in all dimensions of development (UN 1986), set the pace for the subsequent conferences on popular participation as a development and governance imperative in African integration.

Subsequently, in 1987, the UNECA organised the Abuja International Conference on "the challenge of economic recovery and accelerated development in Africa" as well as the Khartoum International conference on the human dimension of Africa's economic recovery and development in 1988. It seemed that the mobilisation of civil society in African integration was taking root. If this mobilisation was consolidated at any point, it will have to be in Arusha Tanzania at the "international conference on popular participation in the recovery and development process in Africa" in 1990. The UNECA brought together representatives of African civil society, governments and the United Nations' system (DeLancey 2001; 136). The conference adopted a charter on public participation called the *'African Charter for Popular Participation in development and transformation'* . The charter stated that:

> "Since African Governments have a critical role to play in promotion of popular participation, they have to yield space to the people, without which popular participation will be difficult to achieve… This makes it imperative that a new partner ship between African Governments and the people in the common interest of societal and accelerated socio-economic development should be established without delay"(UNECA 1990)

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This charter hinted on the need to institutionalise popular participation in African governance and in conclusion asserted that:

> "It is manifestly unacceptable that development and transformation in Africa can proceed without the full participation of its people. It is manifestly unacceptable that the people and their organizations be excluded from the decision-making process. It is manifestly unacceptable that popular participation be seen as anything less than the centre piece in the struggle to achieve economic and social justice for all." (UNECA: 1990).

In the same year, at the 1990 summit, African leaders convened as the cold war ended and the second wave of regionalism began around the world. The global context of the 1970s and 1980s had changed and Africa was eager to move away from the economic ignominy of those two decades. Moreover, the end to minority rule was eminent in Southern African states like South Africa and Namibia. Incidentally, even the 1990 summit acknowledged that the emerging 1990s was the beginning of a new era focused on economic development as against independence and nation building. During the 1990 summit in the declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the World (OAU 1990), African leaders stated that:

> "We are fully aware that in order to facilitate this process of
> socio-economic transformation and integration, it is necessary
> to promote ***the popular participation*** (my emphasis) of our peoples in the processes of governance and development… We therefore assert that democracy and development should go together and should be mutually reinforcing."

Apart from taking an affirmation to democracy, the summit re-launched the idea of rationalising Regional Economic Communities and establishing an African Economic Community, which became the basis of the Abuja Treaty the next year.

Thus, the values of the 1990 Arusha declaration and the 1990 OAU summit are seen in the nature of institutions provided for by the Abuja treaty the next year in 1991. These Abuja Treaty provisions were for the establishment of the Pan African Parliament, the Economic and Social Commission and the Court of Justice. These are institutions that would foster, good governance, human rights, human security and civil participation in AU decision making. In this way, the UNECA paved the way and played a central role in the design of the Pan African Parliament.

Designers: 1999-2006

Backed by non-committing leadership, the Abuja treaty remained in limbo until 1999 at the Algiers OAU summit where a decision by the heads of state and Government to implement the African Economic Community was passed (OAU 1999a). The same year, the fourth extra-ordinary summit in Sirte Libya convened by Gaddafi, seemed to emphasise a renewed effort towards an African Economic Community. The heads of state decided to reinvent the floundering integration system in form of the African Union, and establish the institutions of the Abuja treaty in the process of AU institution building (OAU 1999b). It will be important to consider the leadership environment that shaped this decision by the heads of state in 1999. It will equally be important to see if this environment of leadership and political economy of African states in 1999 differed from that of 1991.

In 1999, African conflict was at an all time high. Before the July 1999 Algiers summit, Algeria was grappling with rebel insurgences. Ethiopia and Eritrea were still engaged in border wars. In West Africa, Sierra Leone was at war and there were coups in Niger and Guinea Bissau. In addition, Charles Taylor was sponsoring Sierra Leonean rebels, while Nigeria and Cameroon were disputing about the Bakassi peninsula. In East and Central Africa, UNITA was still actively engaged in guerrilla warfare in Angola, the DRC and

Burundi were respectively negotiating peace and Somalia and Sudan had ongoing conflicts (Conflict Watch 1999).

On the economic front, African debt was at an all time high. According to the International Monetary Fund, "the 41 HIPC countries—among the poorest of the poor—saw their total indebtedness increase from $60 billion in 1980 to $105 billion in 1985 and $190 billion in 1990, and would have been, in the absence of debt reduction, near $200 billion in 2000." (IMF: 2000). Out of the 41 countries in the world designated as Heavily Indebted Poor countries, 33 are from Africa (World Bank 2004). These dire economic realities perhaps informed the mandate of the heads of state at the Sirte 1999 conference for Algeria's Bouteflika and South Africa's Mbeki to engage African creditors on Africa's debt (OAU 1999b:3)

The socio-economic and political environment in 1999 although largely unchanged was distinct from the preceding years because key political events within Africa, led to a heightened focus on continental unity. These were the emergence of the "renaissance man" Thabo Mbeki as South African President (Maloka 2000:2), democratic elections in Nigeria with Olusegun Obasanjo becoming Nigeria's President, and Gaddafi and Libya's emergence from regional political isolation (Solomon & Swart 2005: 473). Hence, at the OAU summit in Sirte in 1999, there seemed to be a renewed albeit glaring need for reform in the OAU. However, the bone of contention was again, the perennial challenge of the form the reformed entity would take.

The debate on the emergence of regional power points and their influence in Africa is important in discussing regionalism in Africa and the emergence of the PAP in particular. There are views that there is an emergent substructure of hegemonic states in Africa (Alden & Soko; 2005; Schoeman 2000; Bischoff 2003). However, there are also opposing views to this. For instance Idahosa (Queen's Centre for International Relations 2005) alludes to the 'illusion' of South African and Nigeria hegemonies. Nzewi and Kuye (2007:207) echo the scepticism expressed by some on emerging hegemonies within the African political space, as expressed by Noble (2002) in his New York Times article.

Politically, an example that comes to mind is the resistance to the bravado and singularity of South Africa's initial venture into African foreign policy. In its early stage of engagement with the OAU, South Africa called for sanctions against Nigeria on the Ken Saro Wiwa and Ogoni debacle (Venter 1997: 91; Vale & Maseko 1998: 272). Unfortunately for South Africa, the continental reaction to this was a unanimous closing ranks within the OAU from Liberia to Francophone West Africa against South Africa for not dealing with the African problem the "African way" (Venter 1997:94). Thus even with an iconic leader like Nelson Mandela and praises heaped on its new found constitutional democracy miracle, South Africa as a nation had to reflect certain values in its foreign policy decisions on crisis in other African states.

The idea of African hegemony is underscored in the discussions on middle powers in world politics. Middle power countries are ranked on power capabilities like military, demographic size, economic production and influence in terms of foreign policy (Bischoff 2003:183). Bernard Wood in his book *middle power and the general interests* lists Africa's middle power states based on GNP as Nigeria, South Africa and Algeria (Solomon 1997). Nevertheless, African countries resist the idea of an African hegemony, a possible result of an enduring African ideology of African equality, an old order influence in the principle of "one flag, one vote" , where no country is seen as having undue influence over the other states. This is highlighted in the weighted system of voting in the African Development Bank, used in order not to give undue advantage to richer states (Diaku 1985:46). Perhaps one example of this resistance is seen in the triumph of Mugabe's evocation of anti-imperialist ideology in counter-hegemony against South Africa (Alden & Soko 2005:389). Nonetheless, this does not mean that middle powers in Africa are not in a position to influence decisions in the African political and economic space. Far from it, South Africa for instance as an emergent 'middle power' in the continent has had a long term position of influence and benefit in the SADC (Alden & Pere 2003: 56, Schoeman 2000; Bischoff 2003:184). For many years Nigeria has been considered as a leader taking into consideration its long term role in conflict resolution and mediation in Chad, Ethiopia Congo and South Africa (Shaw 1984:397). Nigeria's oil, wealth, large population and experience in regional military peace keeping, positions it in

this light. While there have been disagreements on the status of countries like Nigeria, South Africa, Libya, Egypt and Algeria as African hegemonies, this exercise serves to point to the suggestion that regional integration sometimes is driven and equally sustained by more powerful states.

According to Rainey (2003:356) "public agencies are born of and live by the satisfaction of interests that are sufficiently influential to maintain the agencies' political legitimacy and the resources that come with it". There are suggestions that the foreign policy interests of South Africa's Mbeki, Nigeria's Obasanjo and Libya's Gaddafi played a huge role in the formation of the African Union (Tieku 2004: 253-256; Sturman 2007:6). Haas (1970: 627) in interrogating further his previous notions on neo-functionalism theory, suggests that in the integration scheme of things there are certain "heroic" and discerning national actors like Jean Monnet and Charles de Gaulle who may manipulate or check the integration process as it suits them. For African integration in the 21st century this thesis argues the same. The arrival of these three leaders in continental governance at the rise of the new millennium produced three key efforts towards deepening integration:

1. A new economic plan (NEPAD) and a renew approach to good governance (APRM)
2. A Continental Peace and Security plan reposed in a new Peace and Security Council.
3. A fresh inquiry into supranationality in the idea of a United States for Africa

It was clear that from the inception of his presidency that Mbeki will make Africa the centre of his foreign policy campaign. In the years leading to his presidency, Mbeki prepared for this unprecedented South African engagement with Africa. In the years between 1996 and 1999, Mbeki's concept of African Renaissance dominated his political rhetoric. In 1996, Mbeki delivered his popular "I am an African" speech as South African vice president at the opening of Constitutional Assembly. The national discourse which spurned from this speech resulted in his African Renaissance speech in 1997, the African Renaissance conference in 1998, and the launch of the African Renaissance Institute in Pretoria in 1999 (Maloka 2000:1; Vale & Maseko 1998:272-274). Mbeki's influence as a

continental leader cannot be disputed especially in the light of diplomatic peace making efforts with reasonable successes in Burundi (Economist Sept. 14 2006) for instance. Then again, Mbeki's access to Africa was made possible by building alliances and good planning. At his first OAU summit at the Algiers' 1999 Summit, Mbeki invoked the economic and governance principles of the Abuja Treaty as the take off point to meeting the challenges of globalisation. Mbeki also noted the need for the development of structures of good governance and most of all conjured up the spirit of supranationality by saying that:

> "…questions might be raised about the issue of national sovereignty. Our answer to that will obviously be that by voluntarily acceding to the Treaty, we agree to qualify that sovereignty because we believe that our national interest would best be served by joining forces with our Treaty partners." (ANC 1999: http://www.anc.org.za/ancdocs/history/mbeki/1999/tm0713.html)

With this logic on supranationality, and with the initial support of Nigeria's Obasanjo, and Algeria's Bouteflika Mbeki went on to develop an economic recovery plan of Africa with relative success resulting in the institutionalizing of the New Africa Initiative plan in the NEPAD and APRM. Although the relationship between the NEPAD and the AU has been a constant source of debate between scholars (Adesina 2004; DeWaal 2002), this is not the focus of the arguments in this section. Mbeki's presidency coincided with the election of Olusegun Obasanjo as President of Nigeria. Nigeria has always been one of the highest contributors to the African integration effort from the early days of the African Development Bank in 1966 (Diaku 1985:49). Presently, along with South Africa, Algeria and Libya, Nigeria pays 40% of the AU annual budget (Gottschalk & Schmidt 2004:142). In 2006 as an example, Nigeria voluntarily contributed US$ 10 million to the AU budget (EC 2006c). Immediately after being elected Nigeria's President, Obasanjo began an effort to make Nigeria an influential voice in the continental body.

With his background in the African Leadership Forum (ALF) and Transparency International, Obasanjo set out to stamp his influence in pushing for the institutionalization of human security in a continental Peace and Security mechanism.

Earlier in the early 1990s, through the ALF and other development and civil society organizations in Kampala, Obasanjo was able to come up with a reform package labelled the "Conference on Security, Stability, Development and Co-operation in Africa" (CSSDCA). The CSSDCA otherwise known as the Kampala document was first unsuccessfully tabled before the OAU in May 1991 in Kampala and subsequently in the OAU summit in Abuja in 1991 (Tieku 2007: 30). Although it was not adopted by the OAU, it opened up the avenue for discussion of the future of human security in the African Union. After this initial failure, in 1999 as Nigeria's President, Obasanjo re-launched the CSSDCA (Aderinwale 2001), and was able to persuade other African leaders to integrate the CSSDCA into the African Union (Tieku 2007:32). This informed the 2000 CSSDCA declaration of the OAU Assembly in Lomé (OAU 2000b). It is essentially a policy document that promotes democracy, peace and security as a precursor African development. It was the normative values of the CSSDCA that informed the AU Constitutive Act (Tieku 2004:256; Adesina 2004:132), and helped in institutionalizing peace, security and conflict resolution in the AU in form of the African Citizens Directorate (CIDO: www.africa-union.org/root/AU/AUC/Departments/BCP/CIDO/cido.htm). Additionally, the Constitutive Act was also amended in 2003 to include an additional good governance and democratic institution, the Peace and Security Council (AU 2003b:2).

Going further, scholars, political commentators, government representatives and journalists have said much and written a lot about the paradox of Gaddafi's engagement with Africa. Gaddafi's new found interest in Africa came after years of both antagonistic and conciliatory efforts towards Libya's neighbours. For instance, after a formal agreement to a Libya and Egypt political union in 1969, Libya's aggression led to the 4 day war with Egypt in 1977. Gaddafi was also purported to have a hand in several coups in Africa like Morocco in 1971 and in Burkina Faso (former Upper Volta) in 1980 (Oye 1983: 160). Then there was the failed attempt to annex land and the military occupation of Chad which strained Chad –Libya relations for years during the 1980s (Oye 1983:161; Sturman 2003:110; Solomon & Swart 2005:474). In contrast to these relations with its neighbours, for more than 30 years, Gaddafi courted Arab states. That notwithstanding,

his personal efforts for "Arab integration" and his ambitions as its leader was snubbed by virtually all African Arab states: Egypt, Malta, Burkina Faso, Morocco, Syria, Tunisia, Sudan and Chad between 1970s and 1990 (Greavette 2005: 6; Solomon & Swart 2005:471). In 1999, after his declaration of Arab unity as a mirage (Solomon & Swart 2005:479), Gaddafi's brought to the table his idea of a United States of Africa with a "single military force" (DeWaal 2002:467). Gaddafi succeeded in pulling African leaders together to an extraordinary summit in 1999 in Sirte to "discuss ways of making the OAU effective" (OAU 1999a:22).

So, the period from 1998 marked a turn on major foreign policy decisions of Gaddafi. Gaddafi seemed more conciliatory as seen in the hand over of suspected terrorists to be tried in The Hague in 1999, thus lifting the embargo on Libya by UN and other European nations. It was also in 1999 that Gaddafi for the first time since 1977 attended and hosted all African heads of state in an OAU summit (Greavette 2005). Yet, these conciliatory moves did not, soften Gaddafi's controversiality. So far Gaddafi has made sure to stamp his ideas of governance in the AU, for instance, his vigorous denigrating of Mbeki and Obasanjo promotion of the New Africa Initiative/African renaissance plans. Notwithstanding the sentiments against Gaddafi, his influence prompted the compromise that resulted the drafting of a new African Union constitution (Solomon 2005:481). Taking these developments in African continental leadership into consideration, there seemed to be an emergence of certain dominant actors, intent on making a mark in the new millennium in terms of African integration.

The role of Africa's smaller states in the emergence of the AU cannot be overlooked. Much of the failure of African regionalism experiments have been attributed to the pay off game between big African states and the smaller states where smaller states feel disadvantaged in the distribution of benefits and competition (Geda & Kibret 2002:12, Mazzeo 1984b:152). However, the ability of leaders like Mbeki and Gaddafi to impact greatly on the emergence of a new continental system rests also on the ability to convince smaller states that they can benefit equally from the spoils of integration. For instance, even with certain heads of state wary of Gaddafi especially Northern African countries

like Egypt, Gaddafi was able to develop personal ties with and mobilise smaller African countries to consider his African unity proposal (Tieku 2004:262; De Waal 2002:467). Perhaps it can be argued that smaller states rallied behind these proposals because for smaller states, the idea of supranational institutions will mean that the decision making powers determined sometimes by the financial and military powers of certain African states can be dispersed to institutions of integration.

The next section will further delve into how the present institutional arrangements in the Pan African Parliament reflect these designers' intentions. This exercise it is suggested will expose certain issues crucial to PAP's institutional growth. The section will investigate some intervening variables, which may impact on institutional growth and how the PAP can exploit these opportunities for growth. This entails considering the role of unintended consequences, issue density, regional experts and technocrats in the growth of institutions. Thus, by considering the strategic function of the PAP, the nature of AU/PAP decision making and those loopholes the PAP can exploit to induce growth, it may be possible to consider PAP's definitive role and weigh its potential to grow into this role.

Institutional arrangement and growth

This section will consider the relevant conventions that define the African integrative arena. Selection of key policy instruments for this section is based on where these policy instruments (treaties, plans, and protocols) are located within the overall picture of the emergence and growth of the Pan African Parliament. It will be acceptable at this juncture to provide the design of the Pan African Parliament as far as the legislative framework is concerned by discussing the three legal provisions for this institution:
1. The treaty establishing the African Economic Community (Abuja Treaty)
2. The Constitutive Act of the African Union
3. The Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament

PAP's legislative design

It is proposed that these grand policy instruments represent the intentions (long or short term) of the institutional designers of the Pan African Parliament, since all parties (53 members of the AU) to the treaties have either signed and ratified or acceded to the treaties. In this regard, all 53 states have ratified the AU constitutive Act (AU 2007a), 53 have signed the Abuja treaty, 48 ratified or acceded to it (AU 2007b) and 48 countries have signed and 46 ratified or acceded to the Protocol establishing the Pan African Parliament (AU 2007c).

The Treaty establishing the African Economic Community 1991 (Abuja Treaty)

Popularly known as the Abuja Treaty, the treaty establishing the African Economic Community marked the beginning of what some authors see as a significant but complex road to full economic integration for Africa (Asante 2001; Kennes 1999:27). The treaty (OAU 1991:10) seemed to be an embodiment of not just idealistic views of even more idealistic African leaders, but more important, a logical comprehensive 34 year strategic plan towards an African Economic Community. The significant difference between the Abuja treaty and other regional grand policies is that while incorporating the economic and development objectives of the Lagos Plan of Action (OAU 1980), the Abuja treaty also details the institutional, democratic and governance framework to support this process of integration. The treaty can thus be viewed as a foundational instrument, providing the blueprint or design for African institutional regionalism. It presents this blueprint in relevant protocols such as the Protocol establishing the Pan African Parliament, the Court of Justice and the Protocol spelling out the relationship between the Regional economic communities and the African economic community.

During the Lomé summit in 2000, the draft Protocol to the treaty establishing the African Economic Communities relating to the Pan African Parliament was first presented to the Assembly of Heads of State and Government (OAU 2000b). The Protocol was

subsequently adopted by the 5th extraordinary OAU/AEC Summit held in Sirte Libya in 2001 and entered into force on the 14th of December 2003. The inaugural session of the Pan African Parliament took place in Addis Ababa in March 2004. Before examining the PAP Protocol it will be important to study the present AU constitution and where the PAP fits into this AU defining document.

The Constitutive Act of the African Union (adopted 11th July 2000)

The need for economic reform in the OAU gained momentum in the 1990s with the Abuja treaty (Treaty establishing the African Economic Community). Then again, it was also clear that the institutional and policy framework of the OAU needed reform in order to carry the functional tasks of the future African Economic Community (Tieku 2004:252). With added pressure from the international community, the dawn of the new millennium seemed to represent opportunity for reform in the OAU. Reference to the Yaoundé and Algiers declarations of 1996 and 1999 respectively, reveals that African heads of state saw the need for greater collective decision making in restructuring the African economy especially with the threat of globalisation (OAU 1996:16; 1999a:5). This opened the way for the 1999 Sirte extra-ordinary session and the resulting Sirte declaration (OAU: 1999b) which initiated the reviewing of the OAU charter and the decision to establish a new continental institution for Africa (Tieku 2004:261, PANA: 1999)[10]. At the 36th summit of the OAU in 2000, in Lomé Togo, the Council of Ministers of OAU, now the Executive Council, presented the draft treaty establishing the African Union which was adopted by the ordinary session of the Assembly of Heads of State and Government. With the novel AU treaty, the implementation of transformation of the OAU into the AU was put into motion at the 37th summit in 2001 in Lusaka, Zambia (OAU 2001b).The AU was inaugurated in July 2002, and the slow wheel of transformation continues to turn.

The Constitutive Act is the grand treaty of the African Union, amended and adopted by the 1st extra ordinary session of the Assembly of the African Union in Maputo in 2003

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[10] See reference: Pan African News Agency

(AU 2003b). It provides a broad representation of the objectives, principles, organs and administration of the Union. Unlike its predecessor the OAU charter, the Constitutive Act of the AU entrenches the importance of participation and representativeness in achieving its goals in Articles 17, 22 (OAU 2000a:10-11). The Act emphasises a consideration of the provisions of the Abuja treaty and the OAU Charter and also reflects a sense of urgency towards integration going forward. It emphasises the need for peace, justice and people's rights as well as the detrimental effects of conflict within the continent. More significant it the apparent understanding of the role of common democratic, economic and security institutions and the need for them to be provided "… with necessary powers and resources to enable them discharge their respective mandates effectively" (OAU 2000a: 3). How this general commitment translates into action in terms of the functional role of the various AU organs and in particular the Pan African Parliament will be discussed subsequently.

The Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament

According to the Protocol, there were pertinent considerations pursuant to the establishing of the Pan African Parliament. First was the vision to provide a common platform for the grassroots in Africa to be involved in discussions and decision making on problems and challenges facing the continent (AU 2001). Secondly, there was the consideration of the values contained in past policy frameworks which inform the PAP like the Abuja Treaty and the Constitutive Act, as well as the values entrenched in the OAU. The Protocol spelt out the objectives of the Pan African Parliament and the functions of the Pan African Parliament as signed into law by the Assembly of Heads of State and Government. These objectives and functions are listed below.

Objectives of the Pan African Parliament

The Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament, spells out the objectives of the Pan African Parliament as follows:

1. facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;

2. promote the principles of human rights and democracy in Africa;

3. encourage good governance, transparency and accountability in member states;

4. familiarize the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;

5. promote peace, security and stability;

6. contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;

7. facilitate co-operation and development in Africa;

8. strengthen continental solidarity and build a sense of common destiny among the peoples of Africa;

9. facilitate co-operation among Regional Economic Communities and their Parliamentary fora.

In summary, the Pan African Parliament has a mandate to promote the principles of good governance, human rights, peace and security within African states. In light of the objectives of the Parliament, its functions pursuant to achieving these objectives are spelt out in Article 11 of the Protocol as follows:

Functions of the Pan African Parliament

The Protocol to the Treaty establishing the African Economic Community relating to the Pan African Parliament provides for the functions and powers of the Pan African

Parliament in Article 11. These functions and powers will for the purposes of this thesis provide reference point for discussion and analysis on the definitive role of PAP:

1. Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, inter alia, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law.

2. Discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly.

3. Work towards the harmonization or co-ordination of the laws of member states.

4. Make recommendations aimed at contributing to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.

5. Request officials of the OAU/AEC to attend its sessions produce documents or assist in the discharge of its duties.

6. Promote the programmes and objectives of the OAU/AEC, in the constituencies of the member states.

7. Promote the co-ordination and harmonization of policies, measures, programmes and activities of the Regional Economic Communities and the Parliamentary fora of Africa.

8. Adopt its Rules of Procedure, elect its own President and propose to the Council and the Assembly the size and nature of the support staff of the Pan-African Parliament.

9. Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.

From the foregoing, one can extrapolate certain areas in which the Pan African Parliament can begin to work for extension of its powers. According to Terlinden (2005:2) the advisory competencies of a regional Parliament range from debates,

recommendations, proposals, to inquiries. For instance the PAP can request officials of the OAU/AEC to produce documents attend its sessions or assist it in carrying out its functions. This presents an opening for joint decision making with other AU organs. It can express an opinion, it can examine (going into the boundaries of research, fact finding missions etc) any issue within its jurisdiction. The Parliament as it is constituted can make recommendations on particular policy or governance issues. It can draw up its own budget subject to Assembly approval. Article 24 of the Protocol (PAP 2001) provides that the Parliament can propose an amendment to its own Protocol, express an opinion on the proposal and the Assembly will take into account the opinion of the Parliament in adopting the proposal. Article 25 of the Protocol gives the Parliament the power to decide to convene a conference of the state parties to the Protocol at an interval less than the stipulated 10 years. Perhaps most significant is the power the PAP has in conducting its own internal administrative and financial affairs through its Rules of Procedures. The next section goes into more detail in this area.

Powers of the Parliament

From the provisions in the PAP's Rules of Procedures, it seems that the Parliament has used the loopholes in the Protocol to advance its strengths. Thus, in conformity with the objectives and functions provided in the Protocol, the Parliament determined its powers in its *Rules of Procedure* (PAP 2004:11) as follows:

1. Oversee the development and implementation of policies and programmes of the Union;
2. Organise debate on the objectives, policies, aims, programmes and activities of Regional Economic Communities, on all matters relating to the proper functioning of organs and the life of the African Union
3. Examine, discuss or express an opinion or give advice on its own initiative or at the request of any of the Organs of the African Union, a Regional Economic Community or the Legislative Body of any Member State;

4. Make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities and their respective organs, member states and their organs and institutions;

5. Issue invitations to the representatives of the Organs of the African Union, Regional Economic Communities and their organs, member states and their organs and institutions to furnish explanations in plenary on issues affecting or likely to affect the life of the African Union;

6. Exercise all other powers as are incidental or auxiliary to the discharge of its functions.

The issue is how these provisions are translated practically in relation to PAP's overall contribution to AU decision making. The significance of this is how the PAP has used the latitude provided for by its powers over its own Rules of Procedure to influence decision making. Considering the challenging journey of the European Parliament for relevance, there is no doubt that coupled with the environment of African governance, PAP will indeed find it difficult to make itself heard even under its present advisory capacity. This advisory power is reminiscent of the early years of the European Parliament, when it was established by the 1957 treaty of Rome and known as the Common Assembly. It took more than 20 years for the European Parliament to begin to see real change. Through out the history of the EU, different treaties have contributed to the strengthening of decision making within EU institutions which have in turn contributed to the deepening of Europe's integration. However, one question that begs to be considered is if it is necessary for the European Parliament to wield such powers and why? Is it not possible for the EP to work effectively under a power sharing plan that is uniquely suited to the environment within which it operates? If this is the case, another question for consideration is then what the expectations for the PAP will be.

While the level of influence remains a debatable issue in the case of the European Parliament, there have been some provisions that have been made and developments towards a more influential role for the EP. The 1970 and 1976 treaties amending budgetary and financial provisions of the treaties was particularly significant for the

European Parliament which was weak in terms of contributing to budget and policy decision making. These treaties allocated extra powers to the Parliament. Another treaty of importance to the European Parliament was the Act concerning the election of the representatives of the Assembly by Direct Universal Suffrage. This 1976 Act, and fully ratified by all member states in 1978, provided a legal basis for direct election of EP members and rules of conduct, it is important to also note that this treaty did not in any way increase the powers of the EP. The Single European Act (1986) introduced the Qualified Majority Vote, which reduced the pressure in consensus building.   The Maastricht Treaty of 1992 created a new entity the European Union, establishing three pillars as the basis of the European Union. These pillars consisted of the communities, a Common Foreign and Security Policy and co-operation in the fields of Justice and Home Affairs. This treaty further made far reaching institutional changes in terms of the decision making processes within the EU. For instance, it extended the legislative powers of the European Parliament by introducing the co-decision procedure between the EP and the European Council.

PAP's Strategic design

As already mentioned a Parliament exists to perform certain key functions within a polity. These are budgetary, supervisory, advisory, investigative and legislative functions. In 2005, the Pan African Parliament produced its strategic short term vision for the years between 2006 and 2010. This discussion will focus on how the provisions of the Protocol have shaped the strategic plan of the Pan African Parliament.

The Strategic Plan 2006-2010, provides the shared vision, mission and strategic objectives of the PAP, meant to guide the operations of the PAP, PAP Bureau, Committees and the Secretariat for the plan duration and beyond (PAP 2005a:iv). The strategic plan was drafted by all stakeholders of PAP with the assistance of representatives of the European Parliament, The German Technical Co-operation (GTZ), and other capacity building NGOs. Thus, on paper, the Strategic plan like most other plans within African integration space looks comprehensive albeit ambitious. The PAP

strategic plan basically provides for its political and institutional objectives and the strategies to meet these needs. These objectives are drawn from a SWOT analysis of PAP's present milieu.

Strengths	Weaknesses
1. Enhanced mutual dialogue and negotiations with National Parliaments of Member States to determine functional relationship as well as boundaries in decision-making; 2. Enhanced dialogue and negotiations with Regional Parliaments and National Parliaments to strengthen parliamentarism; 3. Enhanced Human Resource Management; 4. Increased transparency and Improved Communication through ICT; and 5. Enhanced resource mobilization through the PAP Trust Fund mechanism and any other means.	1. Inability to establish respective areas of jurisdiction among AU Organs; 2. Likelihood of decreasing functional relationships with National and Regional Parliaments; 3. Likelihood of difficulties in attracting and retaining high calibre professionals; 4. PAP instability due to high turn-over of MPs; 5. Inadequate Research Infrastructure; and 6. Incoherence between PAP Strategic Plans and Budgets.
Opportunities	**Threats**
1. Consolidation of the APRM process in all Member States; 2. Consolidation of the AU Peace and Security Architecture; and 3. Good will of International Community: (Monterrey Consensus, Millennium Challenge Account, G-8 Summit commitments, Doha Development Agenda, Africa-Asia Business Summit etc).	1. Major violent conflicts and state collapses in Africa; 2. Decline in ODA and FDI resources in real terms; 3. Unfair trade practices from OECD countries and firms that marginalize African economies; 4. AU Institutional paralysis; 5. Weak Administration of Parliament; and 6. Alienation of the general public.

Table 4.2: Swot matrix (source: PAP strategic plan 2005)

From the SWOT analysis drawn up by the PAP itself, it is evident that the major challenges facing PAP are political and financial. For instance although the PAP lists its enhanced interaction with regional and national political structures within the African integration space as its strength, the main challenge (which the matrix also lists as a weakness), will be the growth and sustainability of these initial strides. This will require funds and technical support to maintain a working level of dialogue between these political structures in order to fulfil its harmonisation and co-ordination mandate. Of

course the SWOT matrix reveals the main weaknesses of institution building in Africa, chief of them being technical. It is also significant to see that in the threats pinpointed by the PAP, the institutional survival of the AU as a whole seems to pose a threat. Possibly, the historical legacy of moribund regional institutions has produced a level of scepticism in the ability of this new AU experience to survive. Be that as it may, the PAP Strategic Plan by highlighting these threats and weaknesses was able to come up with certain political and institutional objectives aimed at building on its present strengths and opportunities as well as minimising and mitigating weaknesses and threats. The political and institutional objectives are as follows:

Institutional objectives

1. Strengthen funding capacity of PAP;
2. Develop the capacity of PAP in acquiring and retaining specialised expertise and knowledge in relevant fields;
3. Strengthen administration, support services and programme areas;
4. Develop value-added information and research services;
5. Develop and strengthen ICT infrastructure and use; and
6. Develop and strengthen research capacity.
7.

Political objectives

1. Represent the voices of the peoples of Africa;
2. Promote and defend the principles of human rights, gender parity, democracy, peace and security;
3. Enhance oversight capacity of PAP;
4. Promote the harmonization of continental, regional and national laws to foster continental integration;
5. Encourage and support inter-institutional and other deliberative organs; and
6. Transform PAP from an advisory and consultative body to a full legislative organ.

From the foregoing, it seems that the while the SWOT analysis of the PAP provided talking points and ideas about strategic objectives, as a political institution, the PAP's main objective is political in nature. However, in order to attain these objectives, there is a need to develop technical and administrative capacity of the PAP for it to use fully, the expert and specialisation advantages that parliamentary committees are known for. Having discussed the strategic plan of the PAP, it will be important to examine the administrative design of the PAP to see how finance, human resources and procedures are used to effectively achieve the stated objectives of the Pan African Parliament.

PAP Administrative design

The Pan African Parliament is a locus of public administration. Thus, the Parliament possesses the universal elements of institutions, which according to Malinowsky (Turner & Maryanski 1979: 49-50) are personnel, defined goals, rules, activities and material implements for operations and function. These elements are no different from the universal functions of public administration: policy/planning, organising/reporting, personnel/human resources; work procedures; coordinating/control, finance/budget. In order to achieve its political objectives, there is a need for institutional growth in the PAP. Thus within the framework of the strategic institutional objectives, it will be key to examine the Parliament's present institutional arrangement in view of the environment of its emergence as well as the strength, weaknesses, opportunities, and threats as put forward in its strategic plan.

Finance

As part of the transformation in the AU, the OAU transferred $180 million worth of assets, liabilities, reserve funds and balance to the AU (EC 2004a). Over the years, AU members have constantly defaulted in their payments to the AU even with rescheduling plans in place, as shown in Executive Council yearly appeal for members to pay up between 2000 and 2006 (EC 2000: EC 2003; EC 2004a; EC 2004c; EC 2006c). With the 11 organs of the AU and many competing projects and institutions that require funding

like the African Union Biosafety Project, African Commodity exchange; African Stock exchange; African Customs Network, African Civil Aviation Commission, the Labour and Social Affairs Commission, African Centre for Studies and Research on Terrorism, funding is perpetually a priority challenge in the AU. The AU approached this problem by setting up a panel of 15 experts from member states to consider alternative sources of funding for the AU in 2004 (EC 2004d). The panel came up with several proposals on how to source alternative funding, one of which is the establishment of a Special Trust Fund. In terms of the Executive Council decision on the budget of the Pan African Parliament, the Parliament is partly funded by the African Union other costs are to be borne by the national Parliaments of the AU member states (EC 2004b). Additionally, as the host country, South Africa also subsidies PAP through its provision of venue, office accommodation and IT support. Be that as it may, since its inauguration, the PAP has not escaped the AU financial quagmire as it has also been grappling with financial problems of its own. Thus, as the AU fails in its financial obligation towards the PAP, it has struggled financially.

In response to the financial challenge of the Parliament and in view of the cash strapped AU, the Parliament instituted its own Trust Fund to finance extra budgetary activities as part of its strategic plans in strengthening the funding Capacity of PAP (PAP 2005a:9). The Parliament asked the AU Commission to consider the possibilities of setting up the PAP Trust Fund. Nevertheless, there already exists the proposed special trust fund for the AU by the group of 15 experts on the alternative sources of funding for the African Union. It is important that PAP's Special Trust Fund is seen as a complementary gesture and not a rival plan in the AU scheme of things. The point on complementarity is deemed more perceptive in considering the decision of the Executive Council of the African Union to freeze the PAP Trust Fund (PAP 2007c). This financial challenge will be highlighted more in the next section, which deals with PAP's role in the AU budgetary process.

PAP's role in AU budgetary processes

Article 11 of the PAP Protocol, provides for the Parliament to "discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly". In keeping with this mandate, the Parliament's Rules of Procedures set out the drafting and procedure of the budget (PAP 2004:49-50). The procedure is more detailed in PAP's own internal budgeting procedure but offers no procedural information on the PAP relationship with the AU budget.

Internal budget procedures

PAP's own budget work is handled by, the Bureau of PAP, the Clerk of the Parliament, and the Permanent Committee on Monetary and Financial Affairs (PCMFA). The plenary, gives the final go ahead or approves the budget. The journey of the budget begins three months before the start of the AU financial year. Secondly, there are two readings of the budget which means that the Parliament considers the budget twice, first the budget estimates, which is then referred back to the PCMFA with amendments for final deliberations. The Parliament then approves the final draft of the budget. Although rule 82 sub rule (5) of the Rules of Procedure stipulates that the president of Parliament shall present the budget adopted by Parliament to the Assembly (PAP 2004:50), in reality, the PAP budget is discussed and decided upon by the Executive Council with a significant role played by the Permanent Representatives Committee. In fact, all budgetary matters in the AU are decided within the Assembly, Executive Council, Permanent Representatives Committee and AU commission axis.

PAP's external budgetary role

It is within the Executive Council's mandate to delegate its powers and functions. Constitutionally, the Executive Council may delegate its powers on AU areas of common interest to the Specialised Technical Committees (STC) (AU 2000a: 9). In this case, the STCs, play an important technical role in sectoral projects and programmes policy

making and implementation. The Permanent Representative Committee, plays a more administrative role in relation to the Executive Council as it is mandated to prepare the work of the Executive Council and act on its' instructions (AU 2000a: 11). However, this present functional scheme between the PRC and the Executive Council seems to undermine the consultative powers of the PAP in budgetary issues by giving greater participation and discretion in budgetary decision making to the AU Commission and in particular the PRC. Thus, by authorising the PRC to approve the budget of the Pan African Parliament the Executive Council was undermining the consultative power of the PAP.
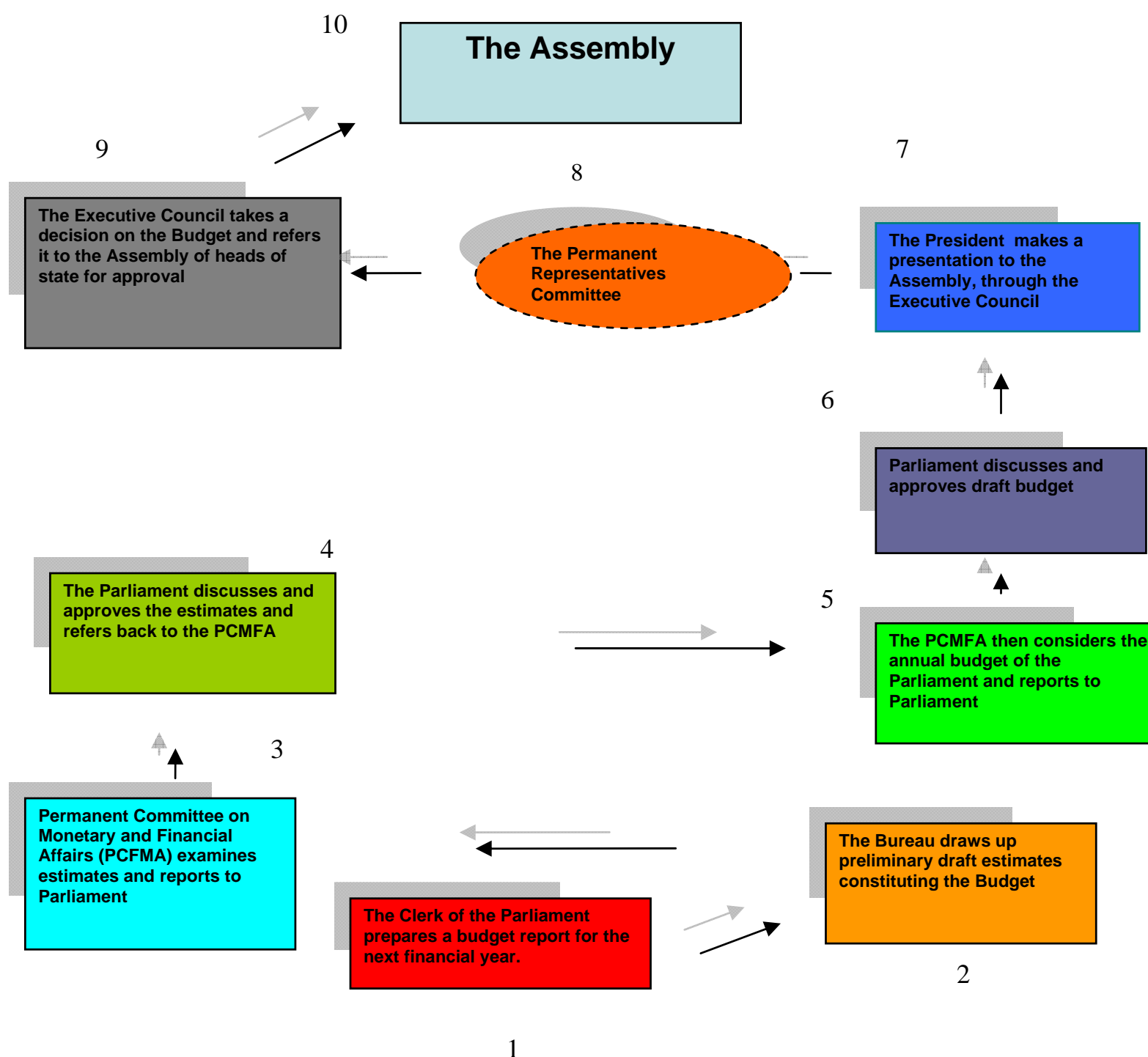
Figure 4.2: a representation of the PAP budgetary process (configuration mine 2008©)

The figure above represents the budgetary relationship between PAP and relevant AU organs. Notice that the Permanent Representatives Committee (PRC) is represented in broken lines and a different shape. The reason is that arguably, the PRC plays a delegated but powerful role in the budget. For instance, in 2004, the Executive Council sent back PAP's first budget proposal to the AU Commission "in collaboration with the Bureau of the PAP" for amendments (EC 2004b). The Executive Council then authorised the Permanent Representative Committee (PRC) to approve the amended budget (EC 2004b). Justifiably, the PRC Rules of Procedure gives it the authority to consider and recommend on budgetary issues and on financial matters like Audit reports (AU 2002c). Equally, the Pan African Parliament also has the same powers to consider and make recommendations on not only its own budgets, but also on the AU overall budgetary issues as provided for in Article 11 of the Protocol establishing PAP. To the contrary however, the PAP does not even control its own account. Rather, according to PAP's budget submission for 2006, PAP's accounts are controlled by two representatives from the AU Commission (AUC) who approve all accounts, with the authorisation of payments from the AU (PAP 2005b: 6).

There is no provision in AU legislative framework for the Pan African Parliament to report to the Permanent Representative Committee (PRC). This is perhaps, the reason why the Parliament's MPs in their second ordinary session (PAP 2004b) recommended that the Parliaments' budgets should directly be considered and approved by the Executive Council and the Assembly. This has not materialised as budgeting and financial responsibilities are still shared between the Commission and the Advisory Sub–committee on Administrative, Budgetary and Financial matters of the Permanent Representative Committee (EC 2004b; EC 2005a). This situation seems to undermine the budgetary powers and functions of the PAP in relation to both its own budget and that of the AU.

To illustrate PAP's lack of participation and influence in the AU budgetary matters, in 2005, the Executive Council asked that the PAP accounts from its inauguration in 2004 to 2006 be audited (EC 2005b). The findings of the external auditor showed that the PAP

had contravened AU financial rules and regulations (EC 2007d). From the audit report, it seemed that the Members of Parliament had ignored an earlier instruction from the Executive Council that MP allowances be borne by member states in the interim (EC 2004b). The MPs had gone ahead to claim travel and other allowances from the PAP. It was the Permanent Representative Committee that considered the audit report and submitted an incriminating report on PAP to the Executive Council (EC 2007d). The PRC recommendations implied that the PAP was attempting to flex some powers by suggesting that the Parliament reneged on its answerability to the Executive Council. The PRC then cautioned the PAP to respect decisions taken by the Executive Council and refrain from making its own rules. With reference to the auditor's report, the Executive Council expressed "grave concern" (EC 2007d) at this contravention. To this end, as punishment for violation of these rules the Executive Council endorsed the PRC recommendation that PAP ceases making allowance payment for MPs and those MPs including the President and other members of the Bureau pay back all per diems for committee, plenary and Bureau meetings.

Policy making

It is the duty of the Assembly and the Executive Council to formulate policies and oversee their implementation in the AU. In terms of the Protocol, the Pan African Parliament's role in grand policy making is restricted to expressing an opinion, or making proposals towards policy. It can discuss and make recommendations on Assembly and Executive Council decisions. But, on the micro scale, the Parliament as an institution can draw up its own policy proposals. Through the Bureau of the Parliament, the PAP can formulate its own policies in relation to the management and administration of its affairs, facilities and department (PAP 2004a: 19). The Bureau is composed of the President and four vice Presidents of the Parliament (PAP 2004a:18). In terms of policy the Bureau is also responsible for the establishment of the plan and structure of the Secretariat and lays down the regulation for the staff terms and conditions of service. Thus, the Bureau is the centre of PAP's planning and organising. Bureau members are elected by the Parliament.

In terms of policy implementation, it is the duty of the Secretariat, composed of the clerk, two deputy clerks and other staff as provided for in Article 12 of the Protocol to carry out the day to day activities that make the PAP a functioning institution. The parliamentary committees are the policy making hub of the PAP. These committees have been set up to correspond to the common policy sectors of the African Union also seen in the Specialised Technical Committee and other organs of the African union.

Sources of policy proposals

In order to understand the policy interface between the Pan African Parliament and the African Union it will be important to determine how policy agenda is set in PAP committees and the extent of PAP committee powers in the AU. The PAP Rules of Procedure provide that general committee business in terms of subjects or proposals to be handled originate from the Bureau of the Parliament, the Specialised Technical Committees (STC), the Parliamentary plenary, and PAP committees themselves. Nevertheless, the Bureau is the actual agenda setter as is seen in the Rules of Procedure as the Bureau determines the draft agenda and the programmes of the sessions of Parliament (PAP 2004: 19). The Specialised Technical Committees as an AU organ is still in the process of being set up formally (EC: 2006g; EC: 2007a). However, the idea that policy agenda for PAP should come from the Specialised Technical Committees is not implausible as STCs represent the central base for the initiation of sectoral projects and programmes of the AU. It is based on the programmes and plans of the STC that the responsible PAP committee takes a cue in terms of their responsibility to harmonise and monitor these programmes through out AU regional communities.

The role of PAP Committees in decision making

According to Varela (2005: 185) the committee system is an avenue (through specialisation) to facilitate the acquisition of necessary information, so as to minimise the uncertainties in linking policies to outcome. The Pan African Parliament at present has 10 permanent committees each made up of not more than 30 members including a president, a vice president and a rapporteur. All PAP committees are as follows:

1. Committee on Rural Economy, Agriculture, Natural Resources and Environment
2. Committee on Monetary and Financial Affairs

3. Committee on Trade, Customs and Immigration Matters
4. Committee on Co-operation, International Relations and Conflict Resolutions
5. Committee on Transport, Industry, Communication, Energy, Science and Technology
6. Committee on Health, Labour and Social Affairs
7. Committee on Education, Culture, Tourism and Human Resources
8. Committee on Gender, Family, Youth and People with Disability
9. Committee on Justice and Human Rights
10. Committee on Rules, Privileges and Discipline

These committees are based on sectors which each correspond to those of the Specialised Technical Committees as provided for in the Constituent Act (AU 2000a). For instance there is a Special Technical Committee on Rural Economy and Agricultural matters (AU 2000a) and the Parliament has a committee on Rural Economy, Agriculture, Natural Resources and Environment. The Rules of Procedure state that the committees shall handle business ordinarily handled by the Specialised Technical Committees (PAP 2004:24). PAP committees have the power to investigate and report to the Parliament on sectoral responsibility particularly as it relates to harmonising AU sectoral objectives and programmes. The PAP committees take decisions by consensus or by a two thirds majority of all members present and voting. Decision making within the AU has over the years been by majority vote and in recent years through consensus building and majority vote (OAU 2000:7). According to the PAP Rules of Procedure (PAP 2004:23), each committee has specific functions, although, generally, all committees may invite any organ of the Union to take part in its proceedings and any person who is not a member to attend and speak at its proceedings.

It seems that presently, the Executive Council considers policy proposals and reports from the Permanent Representatives Committee and the AU Commission. This relationship with the Commission may be based on the responsibility that has been given to the Commission for all monitoring and implementation of Assembly and Executive

Council decisions.[11]. So, although the PAP also plays a role in the monitoring and implementation of these decisions, the PAP remains outside the decision making axis of the AU. For instance, according to Article 11 (5) of the Protocol, the Pan African Parliament can request officials of the AU to attend its' sessions, produce documents and assist in the discharge of its duties. However, there is no evidence that this relationship is functional. There is a lack of symbiotic exchange of ideas in the efforts of the Executive Council and that of the PAP in specific policy areas. A case in point is the PAP recommendations on Migration (PAP 2006a) and the Executive's Council's decision on Migration in 2006 (EC 2006d, 2006e, 2006f). The sequence of events shows that although the Pan African Parliament's 6th ordinary session in November 2006, took place after the January and June AU summits of 2006 (October/November 2006), the PAP recommendations ignored the decisions of the Executive Council taken earlier in the year. The decisions of the Executive Council on Migration were:

1. An integrated Migration Policy/Draft Migration policy framework (EC: 2006c)
2. Experts meeting on African to Europe migration problem
3. An African Common Position on Migration and Development (EC:2006d)
4. African Centre for Study and Research on Migration (Mali) (EC: 2006e:)

In November that same year, at its 6th ordinary session, migration was also a key issue for the PAP. The PAP recommendations on Migration at the session particularly addressed the underlying causes of migration such as governance and human rights and security (PAP 2006d). With the exception of noting the Draft Migration Policy Framework, the PAP recommendation did not interrogate further or reflect the decisions of the Executive Council on an African Common Position on Migration and Development; African/ Europe migration problem and the African Centre for study and research on Migration. These are AU decisions meant for implementation and except for calling for a harmonisation of migration policies in Africa, the PAP did not offer specific input on implementing those decisions. Rather the Parliament made vague and broad suggestions

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[11] See all decisions of the Executive Council since the first summit of AU in Durban 2002, www.africa-union.org .

like encouraging harmonisation, promoting information and education campaigns. Incidentally, these suggestions or recommendations from the PAP did not inform the decision making on migration at the Assembly and Executive Council levels in two subsequent summits, at the 10th and 11th AU summits in 2007. Rather, at the January 2007 summit, the Executive Council endorsed the Joint Africa/EU declaration on migration and development another programme strategy on migration, which did not originate from the Parliament (EC 2007b). The AU Commission (AUC) as per routine was tasked with the implementation and monitoring of the policies contained in the declaration. Pointedly, it must be said that in its request for the AUC to report to it on migration matters, the Executive Council should have requested that reports be submitted also the PAP for input.

Finally, the general nature of PAP's recommendations show a lack of depth in exploration and research into the Migration concept from the AU policy perspective, and its recommendations were too vague and generalised (PAP 2006b). Thus, there is a need for inter-institutional communication which is duly acknowledged in the draft PAP work plan related to its strategic plan (PAP 2005b), where one of the requirements for institutional development and consolidation of PAP was to provide for communication within the AU.

Organising

An organisation consists of formal and informal arrangements. Formal arrangements will include, the goals, structure, systems and procedures and services, while the informal arrangements will entail the values, attitudes, styles of leadership, politics and culture that exist in the organisation. Organising establishes structure in an institution or polity by classifying and grouping functions and labour into the most effective pattern to facilitate the achievement of objectives. This section will examine the components of PAP's internal organisation as well as some components of AU organisational framework and where the PAP fits into this framework.

Internal organising

The Parliament approved an organogram in April 2005 during its 3rd session (PAP 2005d). For its own internal operations the organogram provides a guide for institutional building, dealing especially with issues such as recruitment, and capacity building. Nevertheless, the organogram should be considered as a tentative representation of organising and reporting. This is because of the unstable and unpredictable nature of the environment in which the nascent AU system and institutions operate. As such, the organogram like some of the other AU institutions has not received an official nod from the Assembly (Clerk, personal communication 28th September 2007). Below is a representation of PAP organisational and reporting framework:
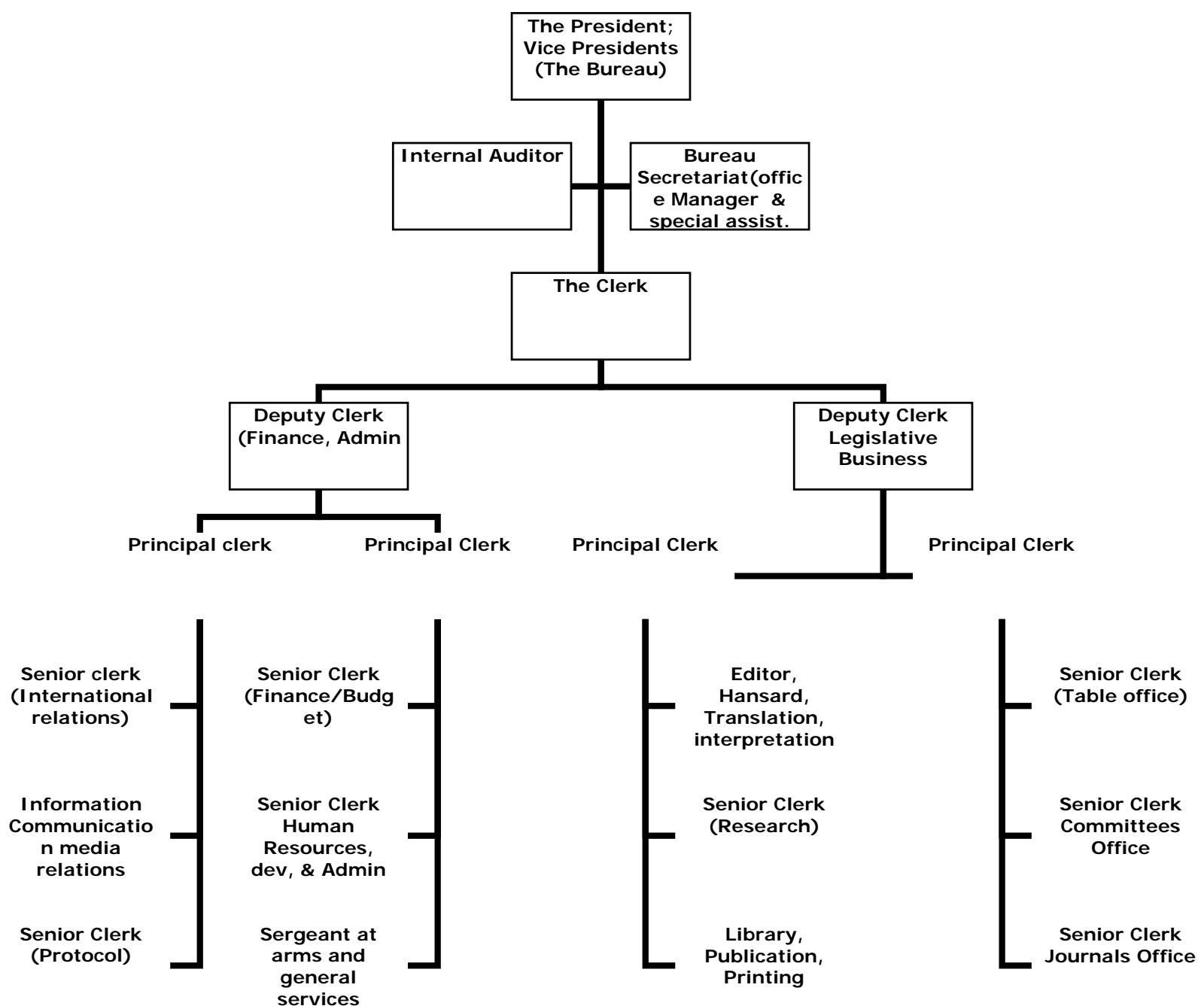

Figure 4.3 : PAP organogram (source: PAP strategic plan: 2005)

The aim of organising should be to maximise resources (human and material) for the ultimate goal of achieving objectives. From the organogram, it can be inferred that the Bureau is the highest decision making body in the PAP Secretariat and is closely assisted by the Internal Auditor and the Bureau Secretariat. Secondly, the Clerk of the Parliament reports to the Bureau and is assisted by two deputy Clerks one in charge of Finance and Administration and the other in charge of Legislative Business. Thirdly, there are four principal clerks who report to the deputy clerks. Their responsibilities or portfolios are not highlighted. There are three senior clerks who report to each of the principal clerks. Their areas of expertise and responsibilities are provided for. The organogram does not represent other line and functionary officers within the PAP.

As with public executive institutions, the PAP secretariat seems to run a formal mechanistic organisational structure. The PAP organogram shows that PAP supervisors represent expert knowledge (internal audit, finance and budget; research; translation etc). This represents a functional organisational system as represented by Frederick Taylor's specialisation of functions, where supervisors are the repositories of expertise and are involved in planning, policy and supervision (Dessler 1980:17). In this case, the line officers are basically non expert operation staffs who are guided by the supervisors.

What is not represented in the Organogram above is how PAP permanent committees fit into the internal organisational framework. Committee systems are regarded as organistic organisational systems (Robbins 1990). However, PAP committees seem to function like a line and staff system where according to Robbins (1990), expert knowledge is taken care of by providing expert assistants like the committee clerks to assist the public manager who probably in this case will be the Bureau and the Committees. Thus, PAP committees can be regarded as extra organisational arrangements, set up to maximise expert potential and flexibility in PAP decision making.

PAP's role in AU organising

Organising is one of the areas of weakness in the SWOT matrix, expressed as the inability of PAP to "establish respective areas of jurisdiction among AU organs (PAP 2005a:7). It also poses a threat to the PAP in terms of the AU institutional framework. Rice and Bishoprick (1971:163-164) describe systems as consisting "…of a patterned, functional relationship among components. As such, it encompasses a host of phenomena, so much so that the word...has been applied to anything that has an identifiable pattern" Thus systems show an identifiable pattern of relationship and the dynamism between different parts of the system. Five years into the new African Union, there seems to be no definitive AU organisation system.

To further discuss the AU system, consider the environment in which the PAP operates and the information network or feedback process within this environment. The following organisational charts are from three different sources (ISS 2005:15; PAP 2005a:2; PULP: 2007:144). These charts represent the relationships between the organs in Africa's integration system. It is important to note that the African Union itself has not presented a formal organogram on the relationships between the institutions of its integration system. Thus, these organisational charts all take different interpretations of the relationship between the respective AU organs as provided for in the AU constitutive Act.
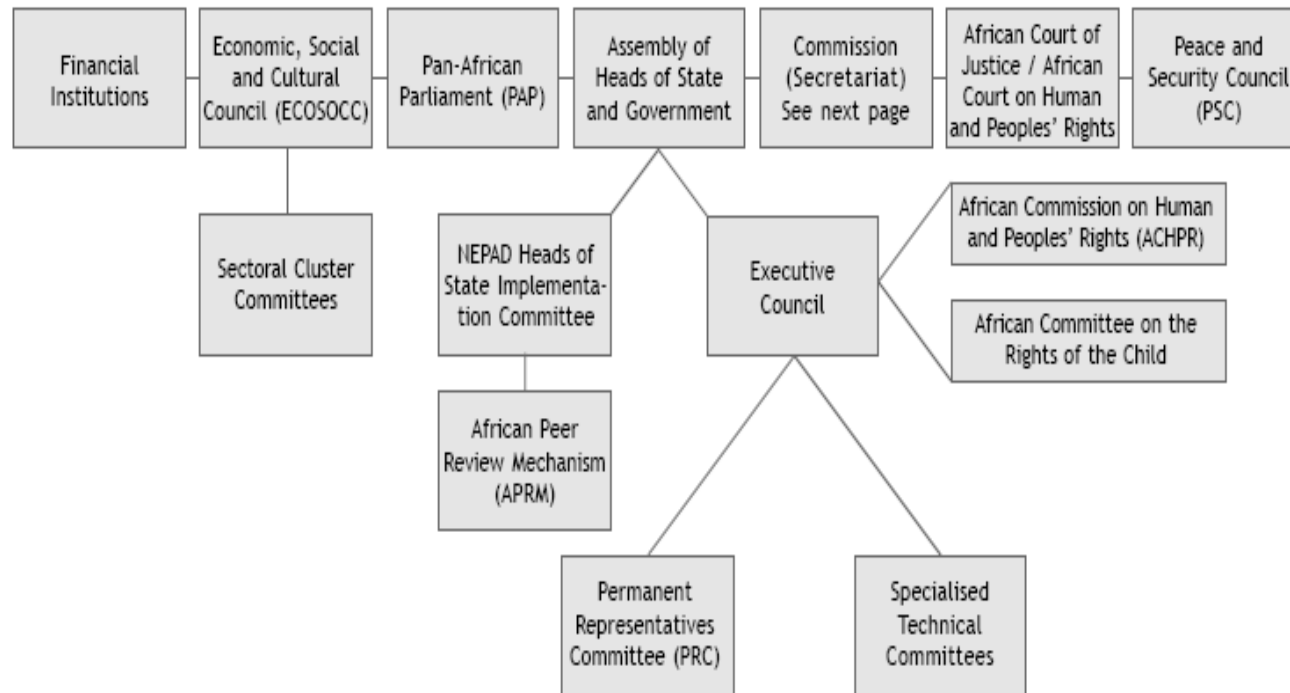
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Figure 4.4: AU organogram (source: PULP)

The Pretoria University Law Press organogram ignores the crucial relationship between the AU Commission and the Executive Council. Its other shortcoming is in placing organs like the Pan African Parliament, Economic, Social and Cultural Council (ECOSOCC), the Peace and Security Council (PSC), African Court of Justice and Human Rights and even AU financial institutions as Assembly support institutions, while showing the subordination of the Executive Council to the Assembly. This implies that the Executive Council possesses less power than these other organs. This organisational chart it appears was produced without due credence to the protocols establishing the organs. This is because in terms of the Constitutive Act, statutes of the ECOSOCC (OAU 2004: http://www.africa-union.org/ECOSOC/STATUTES-En.pdf), and the protocols establishing PAP (OAU 2001a), the African Court of Justice and Human Rights (OAU 1998a; AU 2003a), the financial institutions and the Peace and Security Council (AU 2001), none of these institutions report directly to the Assembly of Heads of State and Government. They all report to the Assembly through the Executive Council, which reports directly to the Assembly. Even in cases that need approval of the Assembly like in the remuneration of Judges, it is by recommendation of the Executive Council. Thus this

organogram is does not represent the power relations between the Executive Council and the other AU organs as seen in the legal instruments of the AU and its organs.
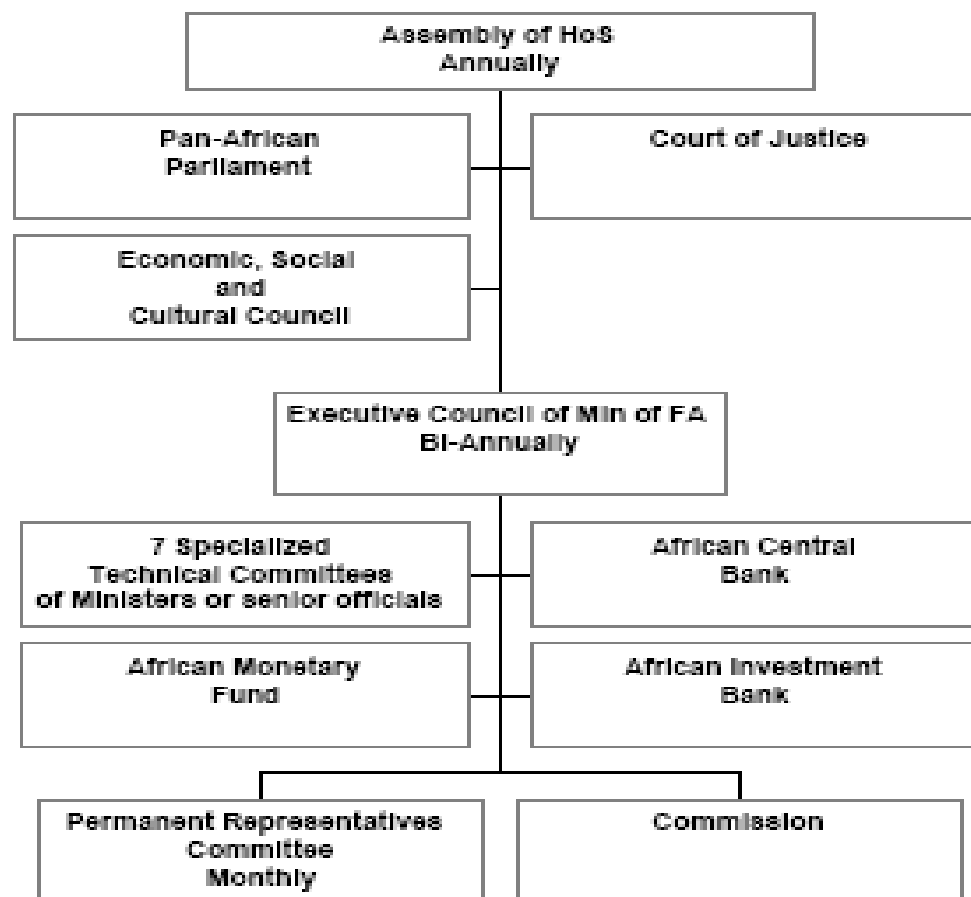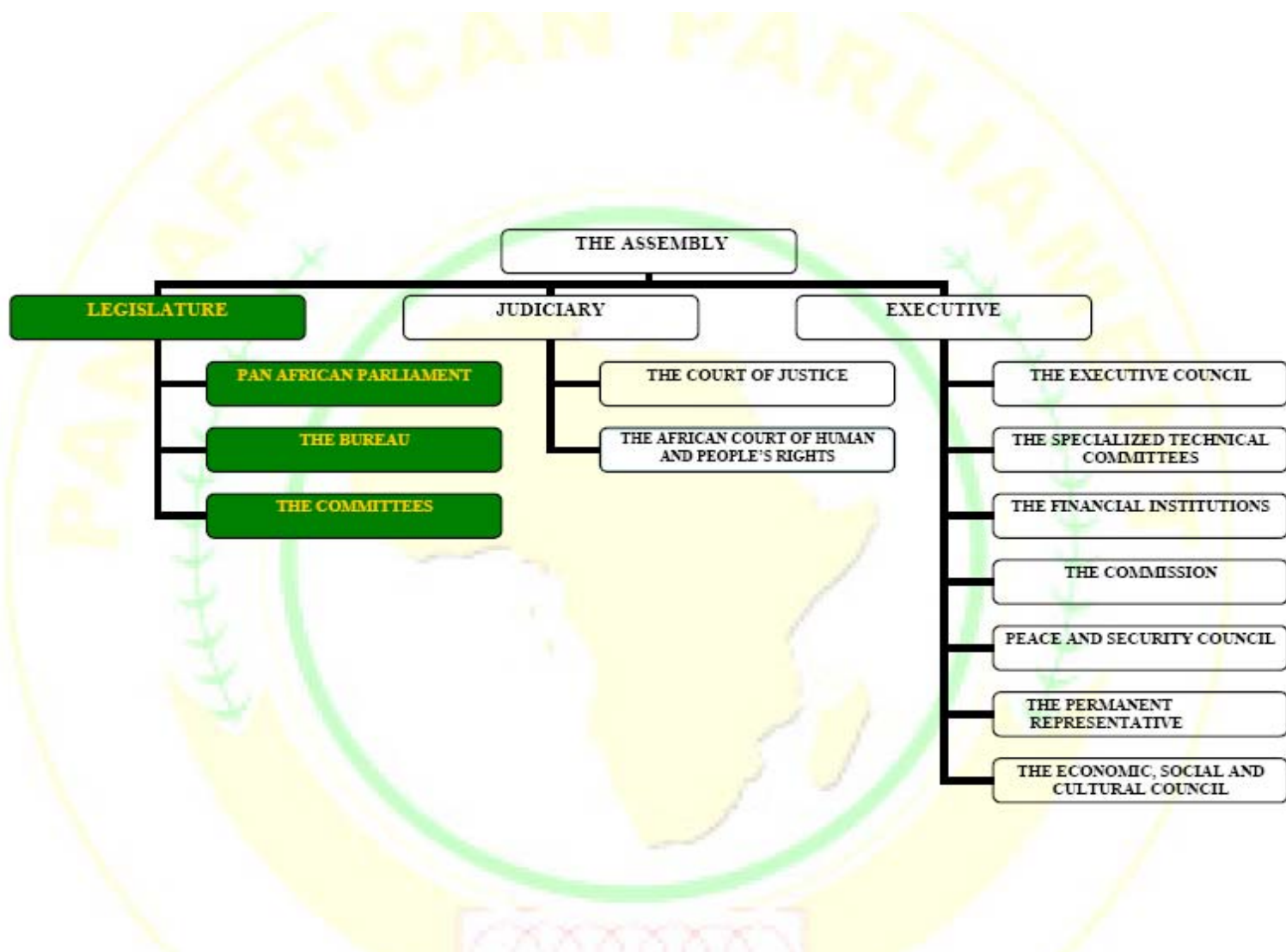

Figure 4.5 : AU Organogram (source: ISS)

Perhaps the Institute of Strategic Studies (ISS) organogram offers the closest representation of AU institutional relationships. It portrays the two main centres in AU decision making: the Assembly and the Executive Council, and how other institutions are related to them. Nevertheless it (perhaps inaccurately) attempts to portray the PAP, ECOSOCC and the Court of Justice as playing a direct role in AU decision making through a direct relationship with the Assembly. This is not the case in legislation or in practice as the Executive Council is the direct conduit to all Assembly decision making. It also shows those organs that report directly to the Executive Council whose decisions do not necessarily need to carry to the Assembly (PRC, AUC). It omits the Peace and Security Council and depicts the PAP at a higher level in AU decision making compared to the lower ranked PRC, which in practice is not so, as the PRC in fact supervises the PAP.

Figure: 4.6 : AU organogram (source: PAP)

The Pan African Parliament's organogram sets out the AU as a polity with three different arms of governance, the legislature, the judiciary and the executive all reporting to the Assembly of Head of States. The organogram represents a wish list because its representations neither obtain in practice nor in legislation, as firstly the Court's and PAP's independence from the Executive Council does not exist in practice as power is centralised in the Assembly/Executive Council alliance. Nevertheless, since the AU is still in its embryonic years, there will be a level of flexibility of AU treaties and protocols as the process of relationship building in terms of responsibilities, and decision making powers is largely on going.

Apart from inter-institutional relationships within the AU, PAP has extra-institutional relationships with other African Parliamentary institutions. These are the regional and national Parliamentary institutions. Article 18 of the PAP Protocol stipulates that the Parliament shall work in close co-operation with the Parliaments of the RECs and the

national Parliaments or other deliberative organs of member states (OAU 2001). As such, the PAP is expected to convene annual consultative forums with the Parliaments of the RECs and the national Parliaments or equivalent. Within the African regional integration system, there are 3 working Regional Parliamentary Assemblies (RPA): the ECOWAS-Parliament (ECOWAS –P); the East African Legislative Assembly (EALA) and the Southern African Development Community, SADC-Parliamentary Forum. Other less established RPAs are the inter-Parliamentary Union of the Intergovernmental Authority on Development (IPU-IGAD), the Network of Parliamentarians of the Economic Community of Central African States (REPAC-ECCAS) and the Parliament of the West African Economic and Monetary Union (P-UEMOA). Apart from the SADC Parliamentary Forum, all these RPAs were inaugurated in the new millennium, making them all young assemblies. Thus to a large extent the challenges of the RPAs are no different from those already enumerated in connection to the PAP. Indeed Terlinden (2005:1-6), in exploring the current state and challenges of these RPAs, focused on formal powers of the RPAs vis-à-vis the reality of the limitations placed in the way of these RPAs in fulfilling their often advisory roles. This includes the executive's snubbing of RPAs' proposals, recommendations and inquiries; the lack of formal reporting relationships with the executive and the exclusivity of Executive and Assembly legislative powers. This sounds oddly reminiscent of the Pan African Parliament's limitations. Nevertheless, some of these RPAs have managed to make an impact in other areas like on the promotion of governance and human rights issues like with the ECOWAS –P and the SADC-PF as noted by O.C Eze in his unpublished conference paper (Terlinden 2005:4). Even more, the East African Legislative Assembly (EALA), has acquired minor law making roles limited to votes on motions that have no cost implication. Although the EALA discusses and approves the EAC budget, the Parliament cannot revise or draw up budgets (Terlinden 2005:3). However, even such limited budgetary power eludes the PAP. The next section will examine the co-ordination of AU activities as it relates to the PAP.

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Co-ordination and Control

The previous section discussed the Parliament's internal organising as well as how and where the PAP fits into the AU division of labour. Conversely, in the organising and policy provisions made in all AU legal instruments (protocols, statutes and Rules of Procedure), there is a marked absence of a thread that links the AU institutions together. This is where co-ordination and control comes in as a thread that links responsibilities and harmonises policies. Next, this section will examine the micro and macro levels of co-ordination in PAP.

Co-ordination

Co-ordination can take different forms and can be carried out using different techniques. Cloete (1998:178) lists some co-ordination techniques as committees; regular meetings of division heads; manuals or codes, communication system and centralised institutions. Due to the complexity and dynamism reticent in the nature of the AU system, with its retinue of institutions and its building block integration strategy, the function of co-ordination will always demand continual attention and review. Organisational structure scholar Mintzberg (1979) proposes that co-ordination is the linking of operations laterally. This means the tangential relationship between departments based on certain criteria such as function and clients.

PAP co-ordinating Units

PAP's objectives require a great level of co-ordination. Its co-operation and harmonisation objectives in relation to Regional Parliamentary Assemblies (RPAs) and national assemblies require a level of co-ordination. Articles 11 and 18 of the PAP Protocol formalises this lateral relationship between the PAP and other parliamentary fora by providing for the creation of an annual consultative forum. Internally, the PAP co-ordinates its work through certain co-ordinating structures sometimes based on

sectoral and geographical criteria. These are the bureau, the permanent committees, the regional caucuses and the joint meeting of the bureau and the chairpersons of committees.

The Bureau: According to rule 14 of the PAP Rules of Procedure, the Bureau is made up of the President of the Parliament and four Vice presidents (PAP 2004: 18). From the PAP organogram and budget, the Bureau has its own secretariat and is composed of an office manager and special assistants (PAP 2005a:4; 2005b:) The Bureau is responsible for co-ordinating and harmonising the functions of the Permanent Committees. For instance, before the adoption of recommendations and resolutions, the permanent committees submit all resolutions to the Bureau. Thereafter, the Bureau considers all resolutions and recommendations and they are where necessary, accepted for plenary debate and adoption. As traced in the record of debates in the PAP Hansard (PAP 2005d: 226; 246), recommendations are nevertheless dropped if they are in-house issues that can be handled at the Bureau or committee level and if issues are within the mandate of the Protocol which do not require a resolution at the time.

Permanent Committees: PAP committees are substructures of co-ordination. They are created in line with AU sectoral categorisation like trade, science and technology for instance. Permanent committees coordinating powers lie in their mandate to work towards the harmonisation and co-ordination of the various sectoral laws and policies of AU member states. Permanent committees, apply their co-ordinating mandate by requesting officials of the AU and RECs to attend sessions and present reports and formulating resolutions and making recommendations based on information garnered from these sources. There are at least two meetings a year of the Permanent Committees as the PAP holds two ordinary sessions a year. Nonetheless, at least once a year, there are committee meetings which are supposed to meet outside the ordinary sessions.

Regional Caucuses: PAP has five regional caucuses made up of MPs and divided into; Eastern, Southern, Central, Western and Northern Africa. The objective of the caucuses is to garner regional support for PAP and integrating the socio-economic and political objectives of RECs and RPAs with those of the PAP (PAP 2005c:32). According to rule

83 of the Rules of Procedure, caucuses meet to select names from amongst its members for nominations for election of President or vice president, membership of permanent committees and election of members as office bearers in the committees(PAP 2004:50). Thus regional caucuses offer a co-ordinating role between the PAP and regional Parliaments in terms of its members' affiliation to regional and national Parliaments.

Joint meeting of the Bureau and Chairpersons of Committees: This is a standing meeting which takes place before each ordinary session of the Parliament for purposes of finalising the plenary order of business (PAP 2004a: 20). The Joint Meeting also creates a forum for familiarising, discussions and decisions on the activities of the various committees. It is an opportunity to initiate co-operation of the different committees in common interest issues and be briefed on process in implementation of plans and activities.

Regional Round Table Consultative Forums: The Protocol mandates the Pan African Parliament to organise annual consultative forums with the Parliaments of the RECs and the national Parliaments or equivalent. So far the Pan African Parliament has held a regional Round Table Discussion (RTD) at the 2006 PAP Arusha Workshop on the Harmonisation of RECs and RPAs in Arusha Tanzania. The workshop was billed as the first RTD represented by the Eastern African Community Regional Assembly (EALA). Plans for the next four regions were set for 2007 (PAP: 2006a), but, the financial constraints in the PAP have hampered progress in this light. Moreover, the challenges faced by the RECs like lack of programme co-ordination, the multiplicity of membership and proliferation of multilateral regional economic groups and communities, will make the co-ordination of RPA activities a big challenge for the PAP.

Control

Although the PAP in the interim does not possess functional legislative powers, it can still play some oversight role in the AU. Article 11 of PAP Protocol gives it oversight

powers in requesting officials of the AU to attend its sessions, produce documents, and assist in the discharge of its duties. The PAP has advisory powers in terms of making recommendations on the strategies and challenges of African integration and on the AU budget (AU 2001). Therefore, on the macro scale, the Pan African Parliament has a control function in the AU as it has an oversight role over AU organs. In this light, the Parliament's control tools as contained in the Protocol and Rules of Procedure are:

Questions and Answers: According to Rule 67 of the PAP Rules of Procedure, the PAP may put questions relating to the AU to the Executive Council and Commission as well as any other organ of the AU (PAP 2004: 43). The President of the PAP refers the questions to the appropriate organ of the AU. The questions may require an oral or written reply and the relevant organ is obliged to reply within 25 days. Nevertheless, the content of questions is such that it guards against undue sentiments from MPs towards member states rulers or representatives (PAP 2004:44-45). With this clause, the PAP sets boundaries for itself in terms of making an opinion as seen in Rule 77 (1&4). The rules require that questions shall not be framed to convey a particular point of view, or express an opinion or contain an argument.

Reports: In fulfilment of its oversight function as provided for in Articles 2, 3 and 11, of the Protocol, organs of the AU have to submit reports to the PAP on request. Rule 75 of the Rules of Procedure stipulates that all "annual reports and other reports of the organs of the Union shall be submitted to Parliament in order to enable Parliament make contributions in terms of Article 3 of the Protocol" (PAP 2004:47). These reports will be referred to the responsible committee which in turn will submit recommendations back to the Parliament after deliberations. The Parliament will then debate on the issues and pass a final resolution on the matter. These resolutions are then submitted for to the Executive Council for consideration. Example is the APRM and NEPAD annual reports presented during the 6th session of the Parliament on the 14th November 2006 as seen in the 6th session programme (PAP 2006b: research materials). Committees also have the powers to require the production of papers and documents (PAP 2004:24).

Rule 73 and 74 of the Rules of Procedure shows the reporting relationship the PAP has with the Assembly, Executive Council and the Commission (PAP 2004:47). The President of the Parliament after due consultation with the Bureau of the PAP, can ask the chairperson of the Assembly, Executive Council and/or the Commission, after Assembly or Council meetings, to make a statement to the Parliament based on major decisions taken during these meetings, and these parties can also request permission of the President to make a statement. With the reporting culture of the AU so far discussed it can be seen that this synergy does not exist between the Assembly/Executive Council and the PAP.

Investigations/inspections: One way that Parliaments perform their control functions is through investigations. For a regional Parliament like the PAP these investigations cover human rights issues and issues within the PAP democracy oversight agenda. According to rule 23 of the Rules of Procedures on the procedure of PAP committees, the committee shall have power to receive evidence, call witnesses and require the production of papers and documents (PAP 2004: 24). Inspection is another task that is carried out in the process of an investigation.

In a resolution in 2004, the PAP resolved to undertake fact finding missions to conflict areas (PAP 2004c). In September 2005 PAP sent a fact-finding mission to Darfur (GCIS 2006). The Parliament has also sent a fact finding mission on Toxic Waste to Cote d'Ivoire (NEPAD: 2005) and observer missions to elections in African states like the Democratic Republic of Congo and Chad (PAP 2006c: research materials). These inspections afford the responsible committees the benefits of on the ground experience of issues at hand. But, in line with its role in facilitating the effective implementation of AU policies, it seems that these missions have not produced any concrete effort in contributing to peace and security in Africa.

Budgetary oversight: In practice, the Pan African Parliament's budgetary oversight does not exist. Although this is not for want of asking. The PAP has in many of its recommendations asked that the AU budget be given to it for deliberation and debate

(PAP 2004b; PAP 2006f). However, none of PAP recommendations to this effect have been considered. This is despite the provisions of Article 11 of the Protocol and rule 4(g) of the PAP Rules of Procedure (PAP 2004a:10) which gives the PAP the power to examine, debate and make recommendations on the budget of the African Union before it goes to the Executive Council and Assembly for approval. Instead of getting the requested budgetary role, the Pan African Parliament found in itself in a precarious position of being audited probed and then sanctioned by the Executive Council through the Permanent Representatives Committee. This is even more ironic because while the PAP should be vetting AU audit reports, it had no input in its own audit report.

The political and techno-structure of PAP

PAP human resources strategy is contained in its strategic plan. Some of the weaknesses identified by the PAP in its strategic plan are human resource related; like the "…likelihood of difficulties in attracting and retaining high calibre professionals; high turn over of MPs" (PAP 2005a:7). To this end, its strategic human resource objectives are to develop the capacity of PAP in acquiring and retaining specialised expertise and knowledge in relevant fields; upgrade and deepen the knowledge and skills of the Members of Parliament and strengthen administration, support services and programme areas (PAP 2005a: 8-10). In this regard, recruitment, training and retention of managerial and technical staff are key components of the human resource strategy. Human resources in this case will cover PAP's political and techno-structure: MP's and support or secretariat staff.

Techno-structure: the Secretariat

The Pan African Parliament's support staffs makes up the PAP secretariat. The role of the Parliament in the appointment and retention of staff is contained in Article 11(8) of the PAP Protocol to "propose to the Council and Assembly the size and nature of the support staff of the Pan African Parliament" (AU 2001). Also, article 12 (6) of the PAP Protocol

imbues the Parliament powers to "appoint a clerk, two deputies and such other staff and functionaries as it may deem necessary…" (AU 2001). Consequently, according to rule 20 of the Rules of Procedure, "in the performance of its functions Parliament shall be assisted by the Secretariat" (PAP 2004:21). The head of the Secretariat is the Clerk, who is assisted by two deputy clerks and other support staff.

In terms of appointments, the Bureau makes recommendations on the support staff needed for the PAP and this is decided upon by the Parliament. In its 2006 budget, the Parliament budgeted and approved a total staff strength of 94. The Parliament also provided allowances for training education for almost all staff from secretaries to the director of the Bureau. The Parliament is geared towards attracting competent staff to run to secretariat. In order to attract good staff to PAP it uses the AU Niamey (Niger) salary rates which is supposed to be the best in the AU (PAP 2006b : 8).

Political structure: Members of Parliament

In the long run, PAP MPs shall be elected by universal adult suffrage (AU 2001). In the interim, it is expected that MPs be elected or designated from their national Parliaments or any other deliberative organs of the member states. Additionally, MPs' terms shall run concurrently with their terms in the national Parliament or deliberative organ. Nevertheless, an MPs seat is declared vacant if among other provisions in Article 5 of the Protocol, they are recalled by or cease to be members of the national Parliament or any other deliberative organ. In this manner, the cathartic nature of political appointments in some African states may lead to high turnover of MPs. This is a weakness expressed in the Strategic Plan of the PAP (PAP 2005a: 7). Furthermore, rules 6-13 of the PAP Rules of Procedure (PAP 2004: 11-17) show the extent of privileges, tenure, process of verifications and privileges and immunities of a Member of Parliament.

Representativeness

According to article 4 (2) of the PAP Protocol, in the interim, each member state of the Assembly shall be represented by 5 members at the PAP and at least one of them must be a woman. This is irrespective of the size or contribution of member states to the AU. So, according to Gottschalk and Schmidt (2004: 142), whether Nigeria or Seychelles, the result is a "democratic inequality in terms of the value of each vote of more than 1000:1." This makes the representativeness of policy outcomes questionable. Unlike the elected European Parliament, where in most cases seats are allocated through the d'Hondts system (Varela 2005:183), which ensures that MPs represent the general spread of voting, PAP membership is not based on any form of democratic representativeness. This undermines representativeness in policy outcomes. These are some of the issues that will come to play in the process of PAP growth.

PAP Committees: Division of Duties and specialisation

Division of labour among MPs is observed in the composition of the Bureau and PAP committees. Members of the Bureau are appointed through a general election in the plenary by secret ballot and simple majority (PAP 2004: 19). For the Bureau, it is expected that candidatures for the posts of President and the vice presidents be submitted to the Clerk by regional caucuses before the election. There is a representative clause in the election process in terms of representing gender and regions (PAP 2004:19). The Bureau sets the agenda and programmes of Parliamentary sessions as well as determines the structure, plans and requirements of the Secretariat. The Bureau has to ensure policy coherence among the committees, hence its responsibility for co-ordinating and harmonising the functions of committees.

PAP committees are composed of at most 30 members and at any point in time, one MP is expected to be serving only one committee. The committees are divided according to sectoral significance in the AU. The regional caucuses draw up a list of members and

their committees, but the criteria or methods for the selection of committee members are not clear. Nevertheless evidence from scholarship shows that MPs are purposeful actors (Hall 1987:109; Shepsle & Weingast 1987), and as such may most likely be drawn to committees that hold certain interests for them (Varela 2005;184). Having five members of Parliament from each of the 41 nations that make up the Parliament, 10 committees, each with a maximum of 30 members and eligibility to be a member of only one, MP preferences are maximised and there is deference to members of other committees. This results in the likelihood of specialisation of members in their preferred committee areas.

In this regard, the PAP strategic framework highlights the need to upgrade and deepen the knowledge and skills of the MPs especially in terms of specialised knowledge and skills needed for their sectoral responsibilities (PAP 2005a :9). This need for improved competencies of the MPs is to develop and build on the role of committees as what Shepsle and Weingast (1987:85) describe as repositories of policy expertise. This point was put into consideration in the development of PAP action plans, a participatory process that involved the PAP Bureau and Committees, linking those strategic political objectives and institutional objectives to an implementation plan (personal observation, PAP work plans, 2007). This involved varying activities such as workshops, research and data gathering on general and technical knowledge on sectoral issues like agriculture, labour issues, trade and the environment, as well as the development of terms of references for inventory and data bases.

PAP Rules of Procedures

Work procedures reveal how duties are connected, ensure policy cohesion, and inculcate the principles of a shared goal. Procedures are aimed towards ensuring that duties are carried out in the most efficient, economic and effective manner. The Pan African Parliament in Article 11 (8) of the Protocol is afforded the authority to adopt or approve its own Rules of Procedures. For the PAP in particular, this is important as a new institution to ensure a shared vision in AU policy integration, establish limitations and

opportunities in light of delegated powers. This is especially considering the complexity of the AU administrative system.

The Pan African Parliament adopted its Rules of Procedures on the 21st of December 2004. The document details the functions of the Pan African Parliament in line with the Protocol provisions. It outlines in detail the functions and powers of the Parliament, the code of conduct, tenure and mandate of MPs, the composition and powers of the Bureau, parliamentary committees, house order of business, quorum and voting petitions, budget and so on. The Pan African Parliament's Rules of Procedures acts as both a control and co-ordinating instrument. What is relevant to this study is whether these procedures have the potential to promote internal shared vision and policy consistency, rationality and unity in the PAP. It is argued that this will position the PAP in a better position to develop its voice in the AU.

The procedures deal with committee, bureau and plenary decision making. The PAP committee system and the bureau of PAP allow for a certain level of specialisation and flexibility in PAP decision making. With the specialised functions of PAP committees as provided for in rule 22 of the Procedure, there is opportunity for expert considerations in the long term plans for those special fields. PAP committees represent the various policy and operation areas of the Parliament and indeed of the African Union. These specialised committees are the blueprint in the design of the strategic and work plans of PAP (PAP 2005a). Institutional and political objectives of the PAP, accommodate those specialised tasks, needs and challenges of the different PAP sectoral committees. The set up of committees in the procedure (PAP 2004:23), provides that MPs serve on one committee at a time, this makes co-ordinated execution of PAP activities in general focused, as there isn't distraction that comes from multiple memberships. According to rule 22(3-4) of the Procedure, committees are subject to restructuring and there is provision for ad-hoc committees (PAP 2004:23). This allows for effective execution of pressing Parliamentary decisions or tasks.

It is important to note that there is need for flexibility so far as PAP's Rules of Procedure are concerned. In this case, the Rules of Procedures are subject to amendments by any member of the Parliament by referring the proposal to the Bureau, from which it goes to the Permanent Committee on rules privileges and discipline and finally to the Parliament for adoption. The opportunity and ability to amend its own Rules of Procedure is an essential tool for the PAP to adapt to change and grow its voice in the AU. This is because of the rapid changes going on in the AU system. As new organs of the Union are incorporated and as the AU system becomes more complex, the PAP needs to continue to push for its survival and move more to acquire supranational relevance in the AU.

Conclusion

This section has examined the institutional arrangements in the Pan African Parliament as presently constituted. The strategy behind this action is to show how these arrangements reflect the intentions of PAP designers in this case the African heads of state and Government. From tracing nature of decisions making of African leadership in the design of African integration institutions from early independence to the present, the thesis was attempting to engage the historical precedence of designers' intentions in regional integration and institution building. Whether this has been done successfully is certainly subject to debate. That notwithstanding,, what this chapter has tried to reveal is that the ideological underpinnings of African Unity is an institution on its own. As such issues such as political non-interference and sovereignty still dictate the character of African integrative space. The imperative of globalisation has been inescapable in global governance, and Africa is not excluded. The pressure of globalisation in terms of the dictates of economic liberalisation and good governance has become a strong force in African continental leadership urging the move from ideology to a pragmatic engagement with global economic realities. This struggle between old policy legacies and new realities of change has resulted in a complex mix of interests and intentions between member states in the progress towards African Unity. This has resulted in a plethora of

African integrative institutions (Economic Communities, Treaties and Protocols), as African states grapple to maximise interests and the benefits of multilateral agreements.

As such, this chapter probed the rationale for the establishment of an African Parliament. From an examination of background political and economic realities and legislative frameworks in treaty provisions and protocol considerations, it can be argued that the PAP emerged as a result of the tension between the realism and idealism represented by the global imperatives and the African ideology of unity respectively. Thus, while it can be said that PAP emerged out of its 'appropriateness" to the vision of African Unity, its institutional arrangements as shown in the grand and micro policy instruments show that there was a rational process in the decisions of member states on its design.

The next chapter as an analysis of the study components will consider the relationships between theoretical underpinnings of this study and the findings of the study. It will try to find out if the PAP has potential for growth, by analysing how PAP's institutional design reveals a rational choice prescript as against a more historical and cultural influence. It will also consider the meaning of the five year review clause in the PAP Protocol and examine how it may spell growth for the PAP, depending on whether it is considered as a spillover opportunity or an intentional instrumental consideration of the PAP designers. It is hoped that the chapter will provide the basis for future studies, considerations and debates on the potential for growth or inertia in the Pan African Parliament.