

***THE ROLE OF MULTILATERAL DIPLOMACY IN
CREATING AND CONSOLIDATING THE
AFRICAN UNION:
2000 - 2004***

By

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LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	African Court on Human and People's Rights
ACJ	African Court of Justice
ADF	African Development Forum
AEC	African Economic Community
AMCEN	African Ministers of Conservation and Environment
AMCOW	African Ministers' Council on Water
AMP	African Mining Partnership
AMU	Arab Maghreb Union
APC	African Population Commission
APRM	African Peer Review Mechanism
AU	African Union
BLNS	Botswana, Lesotho, Namibia, Swaziland
CEMAC	Central African Economic and Monetary Community
CEN-SAD	Community of Sahel-Saharan States
COMESA	Common Market for Eastern and Southern Africa
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
DRC	Democratic Republic of Congo
EAC	East African Community
ECCAS/CEEAC	Economic Community of Central African States
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EU	European Union
IGAD	Intergovernmental Authority on Development
IGO	Intergovernmental Organisation
IOC	Indian Ocean Commission
IR	International Relations
MAP	Millennium Partnership for African Recovery Programme
MDG	Millennium Development Goal
NAI	New African Initiative
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental Organisation
OAU	Organisation of African Unity
PAP	Pan African Parliament
PRC	Permanent Representatives Committee
PSC	Peace and Security Council
REC	Regional Economic Community
SADC	Southern African Development Community
STC	Specialised Technical Committee
UNECA	United Nations Economic Commission for Africa
WTO	World Trade Organisation

ABSTRACT

The purpose of this study is to ascertain what role multilateral diplomacy has played in building and operationalising the AU, and whether it is likely to continue to consolidate the Union and, as a corollary, Africa's socio-economic and political renewal. In this way the dissertation analyses both the role of multilateral diplomacy already utilised and the future prospects for diplomacy to entrench the Union's organs and programmes. As most of the primary organs of the AU were established during the period 2000-2004, the diplomatic substance and process, which was predominantly multilateral in form during that period, is examined.

The study attempts to provide explanations and offer recommendations for diplomatic behaviour by African states within the continental organisation, and the AU within the international context. Rationalist as well as constructivist international relations theory is used as a conceptual framework in order to examine diplomatic relations aimed at promoting issues of security, power and survival of the state, as well as ideas related to political economy, international cooperation and the environment, and international institution building.

The diplomacy already utilised in the creation of the AU's primary organs was predominantly focused on procedural issues, conducted by means of African multilateralism such as regional bloc diplomacy and personal diplomacy by African Heads of State and Government. The necessity to include other, non-state actors in the AU consolidation process is also evident. Prioritising the Union's policy objectives under economic development and integration; continental good governance; and the popularisation of the AU, the study postulates that future African diplomacy will probably continue to be regionally driven, economic and public in nature and focused on making tangible progress.

With the institutional infrastructure in place, the need for multilateral diplomacy to be geared towards implementation of AU commitments is emphasised. Multilateral diplomacy is likely to prevail in AU diplomatic practice both in terms of substance and procedure and will need to focus on addressing the enormous challenges faced by the continent including eradicating poverty and underdevelopment, ensuring peace, security and stability and combating HIV and AIDS, amongst others. The AU needs to use multilateral diplomacy, not exclusively but in conjunction with other forms of diplomacy, to effectively and efficiently implement its commitments and programmes for the tangible benefit of the ordinary African citizen. Only then will the AU be deemed credible in the eyes of its people and the rest of the world.

CHAPTER 1: INTRODUCTION

1.1 Introductory Overview

The birth of the African Union (AU) on 9 July 2002 in Durban, South Africa, marked the end of the Organisation of African Unity (OAU) and the beginning of a continental organisation which is expected to deliver far more to the people of Africa than its predecessor. The new Union has been hailed by many as the new hope for the beleaguered continent, as the realisation and implementation of political and economic union, and the start of genuine integration in Africa. It has also fuelled expectations for peace, sustainable economic growth and development, poverty eradication and a better life for all Africans.

Despite the general optimism about the launch - an optimism that extended to the second Summit held in Maputo in July 2003 - the predominant question lingering in many minds is whether the AU will work. What differentiates this new institution from the old and relatively ineffective OAU? Critics and pessimists abound, and while no one would like to be pessimistic about Africa's future, it is important to address these doubts so as to evaluate the Union's prospects for success. The importance of a successful AU cannot be stressed enough, particularly within the context of the current international system, the phenomenon of globalisation and the marginalisation of Africa.

One of the ways in which such an evaluation can be done is to analyse the predominantly multilateral method of diplomacy which was utilised in creating the new organs of the continental organisation, as well as assessing the value of such method and related styles for future African diplomacy. Not only does this descriptive-analytical research approach allow for assessment of continental diplomacy thus far, but it also addresses normative aspects as concerns the consolidation of the Union and its objectives.

The role of multilateral diplomacy in constructing and consolidating the AU, as well as the Union's contribution to the broader field of African and global diplomatic practice, thus forms the main research theme of this paper.

However, the study goes further than this by also speculating on the best practices for the creation of future organs and effective implementation of the Union's programmes through the use of diplomacy, the latter of which Petrovsky (1998:1) describes as one of the tools of global governance.

The AU provides an ideal case study on which to base an analysis of the value of multilateral diplomacy for the integration and regeneration of the African continent. Such an analysis further allows for an assessment of the method of diplomacy used in the new Union and the latter's prospects for success. The diplomatic mode most evident in the evolution of the AU has been multilateral diplomacy, owing to the involvement of a large number of actors, issues on the agenda and even more importantly, the organisational structure of the AU itself. Leigh-Phippard (1996:1) aptly describes the close correlation between the contemporary globalised world and multilateralism by asserting that "[i]nterdependence in, and the globalisation of, the international system encourages states with shared interests to cooperate in the practice of diplomacy by pooling resources and by building institutional links and informal networks to facilitate this." This study indirectly corroborates Leigh-Phippard's assertion by implying that the birth of the AU is symptomatic of this propensity towards multilateral diplomacy. It also acknowledges that African governments recognise the value and sustainability of collective decision-making, of "making agreements stick" (Berridge, 1995:60), within a multilateral forum.

The above cannot be examined without taking into account the current international context – which has directly impacted on the way African states conduct their diplomacy, both bilaterally and, more relevant to this paper, multilaterally within the AU. The AU has in effect become the hub of African multilateral diplomacy within a globalised world.

This introductory chapter will briefly highlight the aims and objectives of the study as well as the research methodology utilised to achieve the stated aims. The structure of the dissertation will then be outlined, followed by a short overview of the literature consulted for the study. A summary of the transition

process from the OAU to the AU will be provided in order to contextualise the topic.

1.2 Aims and Objectives of the Study

The purpose of this study is to ascertain what role multilateral diplomacy has played in building and operationalising the AU, and whether it is likely to continue to consolidate the Union and, as a corollary, Africa's socio-economic and political renewal. In this way the dissertation analyses both the role of multilateral diplomacy already utilised and the future prospects for diplomacy to entrench the Union's organs and programmes. As most of the primary organs of the AU were established during the period 2000-2004, the diplomatic substance and process, which was predominantly multilateral in form during that period, is examined.

The theoretical framework of this dissertation will be applied to more recent developments within the continental organisation, such as the transition from the OAU to the AU, and developments during the latter's first two years of existence. This will allow for more focused and demarcated analysis. Moreover, such a framework is applied within the context that lasting solutions to international problems and challenges must be collective in nature and based on some kind of consensus (Berridge, 1995:178) i.e. multilateral decision-making. Multilateral organisations provide the most appropriate application of this proposition, with the AU being no different.

1.3 Research Methodology

Owing to the infancy of the AU, and the consequent scarcity of literature on the practice of diplomacy within its institutional framework, the research design in this dissertation is of a descriptive-analytical nature in that it aims to describe, classify and understand certain phenomena (Smit, 1995:15) that are evident in recent AU processes. Through literature-based research or the "systemic and detailed analysis of existing texts" (Higson-Smith, 2000:37), the study intends to

answer the primary research question of what role multilateral diplomacy has played in creating and consolidating the AU.

Briefly elaborating on the analytical procedures of this research strategy, the study will apply the theoretical framework to (i) diplomatic methods already utilised in the establishment of the primary organs of the AU, and (ii) hypothesising on future diplomatic methods required for the consolidation or efficacy of the Union and its policy objectives. The inclusion of both procedural and substantive aspects of multilateral diplomacy in the framework is intended to make the study more comprehensive in its analysis. In summary, the research methodology includes the collection of relevant literature on diplomatic ideas and practice as well as that describing the creation of the AU; the formulation of the theoretical framework; and the application of the latter to the accumulated information. Such a strategy allows for analysis and critique on current diplomatic practice within the AU and proposals on best diplomatic practice in future.

As an example of literature-based research, the study will draw primarily on the body of writing dealing with the creation of the Union as well as that on diplomatic ideas, theory and practice. The latter includes work by renowned authors such as Berridge (1995), Barston (1997), Marshall (1997) and Nicolson (1969), while primary sources on the AU will comprise of official reports, declarations, speeches, decisions and documents from the organisation itself. Secondary sources will include journal and web-based articles, conference papers and other reference works on similar aspects of diplomacy and the transition from the OAU to the AU.

1.4 Structure of the Study

Departing from the theoretical framework of the study in chapter two, the rest of the dissertation will cover African diplomatic practice in evidence thus far, the potential of multilateral diplomacy to consolidate the AU, followed by a penultimate chapter with summative evaluations, conclusions and

recommendations. These respective chapters and their contents are summarised below.

Chapter two will provide the conceptual basis upon which the various focus areas or 'cases' will be examined in the ensuing chapters in an attempt to demonstrate what styles and methods of diplomacy have thus far characterised the continent's diplomacy, as well as those that are likely to further consolidate the AU and contextualise African diplomatic practice within the broader institution of diplomacy.

While multilateral diplomacy will be the predominant theme of the analytical framework, each focus area will be analysed according to both the substantive and procedural aspects thereof. On the one hand, procedural characteristics such as the diplomatic styles utilised, the nature of participation in the diplomatic process, type of decision-making and the style of proceedings will be analysed. This essentially will cover diplomatic form and procedure. From a substantive viewpoint, aspects that will be examined include, for example, issues on the AU agenda, the outcomes of related negotiations and the political context within which the procedural aspects occurred.

The composition of the AU as it is today reflects the culmination of a series of consultation processes which were undertaken according to the prioritisation of various organs of the Union during the Lusaka and Durban Summits in 2001 and 2002 respectively. Chapters three and four will focus on these priority organs and apply the theoretical framework to each case. In this way an attempt will be made to thoroughly evaluate the role of multilateral diplomacy in the creation of the various AU organs and/or structures. Furthermore, the different negotiation processes and negotiating blocs can be evaluated in terms of their implications for the character of African diplomacy, both current and in future.

In order to structure the research in a more effective manner, chapter three will conduct the abovementioned examination on the primary organs of the Union, namely the Assembly, Executive Council, Permanent Representatives

Committee (PRC) and the Commission. These structures are the main policy organs of the AU and were formally established during the AU Summit held in Durban in July 2002. In addition to these, chapter three will also study the Peace and Security Council (PSC) and the Pan-African Parliament (PAP) according to the prescribed analytical basis. What is noteworthy is that most of the organs already established are political in nature and function, and are predominantly state-driven, thereby providing good cases for examining the diplomatic practice already utilised. In short, chapter three focuses on the actual role of multilateral diplomacy in constructing the AU to date.

Furthermore, the emerging trends that characterise multilateral diplomacy by African states can be explored, which in turn address the issue of the organisation's contribution to African diplomacy and regional or global governance. One of the primary programmes that has impacted on Africa's style of diplomacy is the New Partnership for Africa's Development (NEPAD), particularly in terms of promoting good corporate and political governance in Africa. The main diplomatic trends and practices used in these processes are extracted in order to highlight the unique elements of African multilateral diplomacy.

Chapter four of the dissertation takes the study a step further by examining the expected future role of diplomacy in further building and consolidating the Union's institutional and programmatic structure. This is primarily within the context of the continent's contribution to global governance through its particular diplomatic style and method. The fourth chapter focuses on one of the main objectives of the Union, namely to "promote sustainable development at the economic, social and cultural levels as well as the integration of African economies" (OAU, Constitutive Act of the AU, 2000(a): Article 3(j)). While the OAU was geared primarily towards political union and solidarity, the new organisation appears to focus more on economic development and integration – no doubt as a result of the current international, globalised environment. Organs and programmes of the Union which are aimed at realising these economic aspirations will therefore also be analysed according to the framework outlined in chapter two. More importantly though, will be

consideration of the related change in diplomatic practice that coincides with the shift in focus towards socio-economic development.

Organs falling within this scope, such as the Economic, Social and Cultural Council (ECOSOCC), the Union's financial institutions and some of the Specialised Technical Committees (STCs), are still in the process of being established while programmes such as NEPAD are being implemented. Added to this, the exact relationship between the Union and the Regional Economic Communities (RECs), which have been described as the building blocs of the Union, is yet to be defined. Chapter four will therefore be more speculative in nature by evaluating the role and effectiveness of future diplomatic practice, compared to that already utilised. Deductions can thus be made on possible best practices for the creation of the outstanding institutions of the AU, within the context of effective continental and global governance.

The penultimate chapter of the dissertation will attempt to link the preceding chapters and make deductions regarding the role of diplomacy in constructing and consolidating the AU, as well as the latter's role in defining the nature of African diplomacy. Drawing from the analyses of the role of diplomacy in creating the political and economic structures of the Union, this chapter will therefore further explore the value and utility of the specific diplomatic styles, methods and procedures used.

From a normative angle, proposals can then be made on how different styles and methods of diplomacy could or ought to be used more effectively to consolidate the structure and functioning of the Union. Aspects such as the inclusion of civil society and the private sector in the drafting and implementation of continental programmes will be touched upon as well as the role of diplomacy in ensuring a competent, qualified and committed Commission of the Union (Ndi-Zambo, 2001:39). As was noted earlier, the creation of organs that are more people-focused, such as the PAP and the ECOSOCC, have not been expedited fully and need to be focused upon so as not to risk "alienating the people in the establishment of the Union" (Mbeki, 2003). With the launching of the PAP, however, focus will undoubtedly turn

towards the operationalisation of the ECOSOCC. On the whole, chapter five will attempt to provide conclusions and proposals on effective diplomatic practice within the AU aimed at better serving the continent's interests and furthermore highlight distinct features of African diplomacy.

As a conclusion to the dissertation, the final chapter will summarise the research conducted in terms of the structure mentioned above and also propose alternative avenues of additional research on the theme. The research is expected to conclude by emphasising the importance of laying solid institutional foundations for the AU in order to allow the organisation to contribute actively to substantial and achievable programmes and policies for the development and integration of Africa. Finally, the impact of the AU's evolution on continental and global diplomatic practice will be assessed.

1.5 Literature Review

Large volumes of literature exist on the conduct of diplomacy, much of which will contribute to the conceptual framework of this dissertation. Similarly, much has been written on the creation and potential of the AU. However, little is available on diplomacy's role in the establishment of the Union and the implementation of its programmes. Literature on African diplomacy as a distinct area of diplomatic practice is also relatively scarce. The study is thus compelled to draw on the available and more general work on diplomatic practice, ideas and theory to assist in classifying procedural and substantive aspects of multilateral diplomacy that are relevant to the topic. In developing the theoretical framework, the paper will briefly consider diplomatic theories associated with mainstream rationalist as well as more recent reflectivist theories on international relations, in order to conceptualise multilateral diplomatic practice within the scope of African politics.

Other bodies of literature that are relevant to the topic include those on the developmental agenda for Africa, particularly more recent developments such as the Abuja Treaty, the Millennium Development Goals (MDGs) and NEPAD,

amongst others. A lot of material exists that prescribes various solutions to Africa's underdevelopment and poverty, internal conflicts and its own governance. Inherent in this literature though is evidence of a shift in focus from Africa's dependency towards self-help, which needs to be taken into account when exploring the styles and modes of diplomatic practice associated with such a shift in policy paradigm. While multilateral diplomacy undoubtedly prevails in the AU, it is the evolving character thereof that is considered, especially in terms of viewing the organisation as the hub of African diplomacy.

The analysis of texts and works on the substantive and procedural aspects of multilateral diplomacy, combined with literature on the creation of the AU, leads to reflection on the unique features of African diplomatic practice. The paper will attempt to evaluate the utility of such diplomacy as an instrument of African governance.

With the study objectives, research methodology and literature overview having been outlined, it remains important for a brief synopsis of the transition process from the OAU into the AU. In this way the product and outcomes of the multilateral diplomacy used are summarised and contextualised.

1.6 The Transition in Brief

The notion of African unity is not a new one. Since decolonisation and independence of African states started in the late 1950s, African leaders have aspired to political and economic integration and union. From the Casablanca group launched in January 1961 which advocated a "United States of Africa", to the Monrovia group launched four months later, supporting a gradualist approach towards union based on regional economic integration (Genge, 2000:1), and the eventual compromise of these two groupings, namely the OAU in 1963, the complete political and economic union of African states has always been an ideal expressed in the rhetoric of the continent's leadership. However, for the purposes of this dissertation, only the more recent efforts aimed at establishing and operationalising the AU will be looked at. It is not

within the scope of this paper to analyse the successes and failures of the former organisation, but when examining the Union's prospects for success it may be unavoidable to make comparisons with its predecessor.

In 1991 the OAU member states adopted the Treaty Establishing the African Economic Community, better known as the Abuja Treaty. This treaty is primarily aimed at promoting "economic, social and cultural development and the integration of African economies in order to increase economic self-reliance and promote an endogenous and self-sustained development" (Abuja Treaty, 1991: Article 4(1)(a)). Although the Treaty entered into force in 1994, little progress has been made in achieving its targets towards regional economic integration. This was one of the main reasons why an OAU Extraordinary Summit was held in Sirte, Libya in September 1999 – to revisit the Abuja Treaty and amend the OAU Charter in order to increase the efficiency and effectiveness of the continental organisation in a challenging and globalised world.

The result of the Summit was the Sirte Declaration in which OAU leaders decided to establish the AU in conformity with the ultimate objectives of the Charter of the OAU and the provisions of the Abuja Treaty (Sirte Declaration, 1999: Article 8(i)). In addition, African leaders agreed to speed up the establishment of the PAP, in particular, the African Court of Justice (ACJ) and the continental financial institutions. The meeting provided the impetus for the drafting of the Constitutive Act which would formally establish the new Union.

After a comprehensive consultation process and numerous compromises, the Constitutive Act establishing the AU was adopted in Lomé, Togo on 11 July 2000, during the 36th Ordinary Session of the OAU Heads of State and Government. The entry into force of the Act on 24 May 2001 marked a unique turning point in the consciousness and commitment of African leaders, signified by the speedy ratification of the Act itself. It was the first OAU legal instrument to be ratified by member states within such a short time (Bakwesegha, 2001:131). This commitment and obvious sense of business-like urgency permeated the period following the Act's entry into force during which African

leaders decided on the legal processes for the formal establishment of the Union as well as the details regarding the transition to the AU.

During the OAU Summit in Lusaka in July 2001, the primary policy organs of the AU were identified as the Assembly of Heads of State and Government, the Executive Council of Ministers, and the PRC. Other priorities identified during that meeting included the Commission, as the secretariat of the Union, the PSC, the PAP and the ECOSOCC, among others. The diplomatic processes undertaken to develop the modalities of these organs and structures highlight interesting aspects of diplomatic practice – aspects which were predominantly regional in character, and which point towards a certain integrated and pragmatic style of diplomacy that is emerging on the continent.

Through the formulation of rules of procedure and legal protocols for the respective priority organs, which were subjected to numerous regional consultations, officials and legal experts' meetings during the transition period, the organisation, at all its policy levels i.e. officials, Ministers and Heads of State or Government, eventually agreed on the modalities for the new structures of the Union. Similar procedures were followed in formulating the statutes for the ECOSOCC by July 2004. Interestingly however NEPAD was not formulated within the traditional OAU/AU procedures and processes, but rather resulted from the initiatives of several African leaders to address the overall development of the continent. These different policy processes will be examined in the ensuing chapters within the framework of multilateral diplomacy and its contribution to African diplomacy.

1.7 Conclusion

Afro-pessimists will continue to criticise the methods of work and pace of transition within the AU, despite the progress made in establishing its primary organs and finalising the latter's modalities of work. Although the Union is constantly being compared to its European equivalent, the European Union, few recall that the latter also took many years to consolidate its structures and

programmes before truly benefiting its member states. The AU is not yet a decade into its existence and, as such, its efficacy and value to African states cannot yet be measured fully or tangibly. However, what can be evaluated are the processes followed in its creation and in the formulation of its vision, outlook and policies which provide insight into African diplomatic practice.

Throughout the transition period, certain approaches have characterised the distinct style of diplomacy utilised by member states of the AU. These approaches have included consensus-style decision-making, geographical representation and most significantly, regional bloc diplomacy. The substantive chapters of the dissertation, namely three, four and five, will thus analyse these aspects in more depth so as to clarify the role of multilateral diplomacy in the construction and consolidation of the AU.

The analysis of literature on processes relating to the creation of the Union provides a means to investigate the importance of procedure and a solid institutional foundation in multilateral organisations. Furthermore, reflection on the relevance of global diplomatic ideas and practice to the AU highlights the importance of diplomacy as an instrument of international relations and its value in achieving foreign policy objectives. Consideration of the role of diplomacy in creating and consolidating the AU confirms the prevalence and sustainability of multilateral decision-making and the means for Africa to strengthen and maintain solidarity and common objectives.

CHAPTER 2: THEORETICAL FRAMEWORK

2.1 Introduction

The newly created AU provides an ideal case study upon which to base an analysis of the value and utility of multilateral diplomacy, especially within the broader context of current international relations. Such an analysis further allows for a critical assessment of the methods and styles of diplomacy used in the new Union and the latter's prospects for success. In light of the contemporary nature of this analysis, the development of an applicable theoretical framework cannot be done without considering the context of current global governance in an increasingly globalised world. Africa remains one of the continents most detrimentally affected by the forces of globalisation, and it is thus vital that the continental organisation and its operations take cognisance of and contribute to the development of effective modes of global governance, including diplomacy.

Essentially, modes of global governance are closely linked to the predominance of multilateralism where states use diplomacy to facilitate shared interests in an interdependent and globalised international system (Leigh-Phippard, 1996:1). Before explaining the current international context and the prevailing theme of multilateral diplomacy, it is important to situate the theme theoretically within the discipline of International Relations (IR). The framework that IR theory provides for diplomatic theory and practice will thus briefly be discussed and will precede the in-depth discussions on multilateral processes and content. In using Marshall's (1997:1) classification of substantive and procedural aspects of diplomacy, each area of focus relating to the establishment of the AU, and several of its organs, will be analysed accordingly and thereby constitute the overall analytical framework for the dissertation. In the interests of clarity and comprehensiveness, diplomatic processes and procedures will be examined, as well as diplomatic content.

Therefore, the aim of this chapter is to develop a relevant and comprehensive theoretical framework to analyse the utility and prospects for multilateral diplomacy within the AU. Firstly though, the Union and its diplomatic processes need to be briefly contextualised within the current international system, and corresponding IR theories, in order to reaffirm their relevance therein.

2.2 The AU within the context of International Relations Theory

The renewed drive towards African unity as evidenced by the establishment of the AU has taken place within a changing world order and international system. Globalisation is the phenomenon that has been coined to explain an enormous change in the international order that is essentially characterised by the proliferation of “connections between different regions of the world” (Held and McGrew, 1999:484) that crosscut social, political and economic activities – connections that make the world a smaller, faster and more interdependent place. As Lamy (2001:182) submits, processes of globalisation have forced international theorists and practitioners alike, to explain and theorise the impact of globalisation on aspects such as the role of the state in international politics, the definition of state interests in the current state system and the conduct of diplomacy as an instrument of foreign policy and international relations. The onset of globalisation has thus resulted in various new explanations of international relations, including the institution of diplomacy, within which diplomacy used in the AU can be contextualised.

Hamilton and Langhorne’s (1995:238) assertion that diplomacy is both a function and determinant of the international order translates to the continental level and the AU. In response to current transformations within international society, Africa has had to adapt its diplomacy in terms of substance and process so as to be both slave and master to continental relations. On the substance level, policy objectives such as political liberation and ending colonialism have had to give way to economic growth, poverty alleviation, good governance, peace and security, amongst others. The adjustment in policy content of the AU has in turn resulted in changes to the method and style of

diplomacy as a means for implementation thereof. This focus on diplomatic process was evident in the work done by the organisation in finalising the modalities and procedural rules of the primary organs of the Union during 2001 and 2002, as will be elaborated in chapter three.

The analysis of the multilateral diplomacy used in creating and consolidating the AU, relates to the body of diplomatic theory which Faure (1991:19), explains is at the level of both first and second order theory. First order theory reflects predominantly on diplomatic conduct and is thus more normative in nature, while second order theory is more descriptive in nature, containing empirical explanations of diplomacy (Gunnell, 1981). Within broader IR theory the observations made on diplomacy within the AU can be situated specifically within the rationalist paradigms of IR theory. This needs to be separated according to diplomatic behaviour and expressed collective norms firstly in the creation of the Union, and secondly in terms of consolidation of its programmes and efficacy. The latter will be considered first.

Observations of diplomatic practice in the consolidation of the AU, through the implementation of its policy objectives, tend to fall within rationalist paradigms in that the conduct of multilateral diplomacy broadly reinforces principles of goodwill, unity and common interests among sovereign states (Wight, 1991:153). Rationalist paradigms of IR theory include realism, liberalism and world-system theory (Spies, 2006:38) and encompass notions such as sovereignty (realist), norms, international institution building (liberalism), and international political economy (world-system theory). Despite the dominant division within rationalist theory between neo-realists and neo-liberals, diplomacy within the AU provides explanations on both of these rationalist elements i.e. the promotion of issues of security, power and survival of the state, in the first instance, as well as those related to political economy, international cooperation and the environment (Lamy, 2001:184). As will become more evident in chapter four, the diplomatic content or substance of the AU, which is drawn from its policy focus, is based on multilateral principles of continental solidarity, collective interests and benefits, and integration – concepts which can be situated within rationalist IR theory because they touch

on the continent as it ought to be as well as considering the realities of African states.

On the other hand, African diplomacy used in creating the AU was predominantly focused on structure and procedure, for which social constructivism could offer valid explanations. The basic tenet of this theory, developed by Alexander Wendt as an alternative to the rationalist-reflectivist debate explaining world identities and interests only, looks at international relations in terms of relationships between the interests and identities of international actors, where actors are defined in the process of interaction with others. For Wendt (1999:142), agents and structures do not determine each other, but rather the process of interaction between the two identifies actors and the system within which they operate. In simple terms then, the process of interaction and cooperation between states, which is essentially managed by means of diplomacy, determines the nature of those very states as well as the international system within which they interact. This assertion applies to the main research topic in that cooperation among AU member states has determined the structure in which those member states operate while also determining their behaviour according to the accepted rules and procedure of multilateral diplomacy.

IR theory therefore provides a contextual framework within which ideas on diplomacy on the continent and within the AU can be explained. It is these very ideas that help explain the evolution of African diplomacy to what it is today, and how it has adapted in form and content to the constraints and opportunities of contemporary international relations. For the purposes of this study, the clarification of diplomatic theory within the AU context provides both a conceptual and contextual framework in analysing diplomacy in chapters three and four.

Diplomatic theory in turn contains explanations about different modes of diplomacy hinging on three criteria namely duration, form and level-type of diplomacy (Du Plessis, 2006:139). According to Du Plessis (2006:140) multilateralism is a mode of diplomacy due to its form involving more than two

actors, usually in conference format or within the framework of inter-governmental organisations (IGOs). This is different from other modes of diplomacy such as bilateral diplomacy, summitry and mediation (Berridge, 1995), although multilateralism often provides a platform for the other modes of diplomacy to be practiced at the same time. The enormous number of issues African states are attempting to address amongst each other and with other non-state actors implies a natural tendency towards multilateral diplomacy. As Schoeman (2006:261) states, “the social, political and economic history of Africa demands joint efforts for success” and multilateral diplomacy assists in this collective effort.

According to Wiseman (1999:3) contemporary diplomacy not only includes bilateral and multilateral approaches, but also the additional layer of diplomatic interaction and relationships between states and non-state entities. This fifth mode of diplomacy, or polyilateral layer, as mentioned earlier, has until recently been neglected by international relations theory, as the latter focuses primarily on structural characteristics of the international system and not on “diplomatic agency, roles, and relationships (1999:2). The idea of polyilateralism, or diplomatic dialogue with a variety of non-state global actors, then adds a new perspective to theorising about modern diplomacy - one which is starting to emerge in the diplomacy practiced by the AU.

2.3 The Prevalence of Multilateralism

With the imperatives of globalisation have come new methods and means of interaction between states and other global actors. Greater demands are made on states from both internal and external constituencies and states are under increasing pressure to be more accountable for their domestic and international actions (Simai, 1997:163). According to Simai (1997:146), states have thus recognised and advocated the “necessity of multilateral cooperation, global governance and collective risk management”. This is done primarily through international organisations and multilateral diplomacy so as to address simultaneously the growing number of foreign policy issues through negotiation

with a greater multiplicity of stakeholders. Langhorne (1998:3) sums it up well by stating that a “new world of diplomatic activity has thus been created for both old and new actors”. However, as so many writers have acknowledged, the consequences of globalisation have not only been in quantity. The content of diplomacy has also had to adapt to the volume and depth of numerous new issues on the international agenda. As Marshall (1997:8) points out, one of the main characteristics of diplomacy is that it is a “child of its time”.

Contemporary diplomacy has essentially been characterised by an evolution towards multilateral diplomacy, involving more than two participants or actors. According to the Concise Oxford English Dictionary (2002:936), ‘multilateral’ describes something that is agreed upon or participated in by three or more parties. Multilateralism is also explained as diplomacy between three or more states and usually at permanent or ad hoc international conferences (Wiseman, 1999:3). As a concept, the ‘-ism’ suffix in multilateralism intimates that the word conveys a belief or ideology and not simply a state of affairs (Ruggie, 1993:9-10). Such an ideology applies to the evolution of diplomatic practice since the Second World War whereby global issues and diplomatic actors have increased quantitatively and qualitatively, yet remain well managed within international organisations. Multilateralism thus appears to have been the most flexible and appropriate response to this evolution in international relations and diplomacy. Assuming Barston’s (1997:1) definition of diplomacy, that it is concerned with the management of relations between states and between states and other actors, multilateral diplomacy can best be defined as the management of international relations through negotiation between multiple states and actors.

With such a vast variety of issues to consider, and such a huge number of actors to take into account, it seems no wonder that intergovernmental organisations have become the hubs of global policy-making in the twentieth and early twenty-first centuries. Similarly applied to the African case, states can come together in one diplomatic arena and simultaneously discuss issues of common interest with all relevant parties. In addition, there is a common understanding that the only lasting solutions to international problems and

challenges must be collective in nature. This kind of global governance thus accommodates diverse interests, promotes joint policy development and takes co-operative action (Commission on Global Governance, 1995:2).

It is precisely this multilateral trend in contemporary diplomacy that is evident in the evolution of the AU. The birth and realisation of the AU is symptomatic of the prevalence of multilateral diplomacy and could not have been done without recourse to diplomatic negotiation among multiple actors addressing multiple issues on the African agenda. Going further back in history, inherent in the creation of the OAU in 1963 was the realisation that multilateral diplomacy, through intergovernmental organisations and conferences, provided the most effective means for achieving Pan-African goals such as unity and solidarity; improving the lives of African people; defending sovereignty of African states and eradicating colonialism on the continent (OAU Charter, 1963: Article II). Just as any multilateral organisation ensured a certain degree of international influence (Berridge, 1995:73), so the OAU did for the continent then and continues to do so today in the form of the AU. As Marshall (1997:68) states, every member country, regardless of size, has a handle on continental and world affairs by virtue of its membership within a multilateral organisation – and this is so within the AU. The South African Department of Foreign Affairs entrenches African multilateralism in its strategic plans by prioritising its participation in the AU and SADC under its principle foreign policy focus area namely consolidation of the African Agenda (DFA, 2008:9-11). The fact that all African states, except one, are members of the AU is further testimony to the significance of African multilateralism.

Substantive and procedural responses to the turbulent nature of contemporary international relations, and the implications thereof on the different continents, have resulted in the development of a vast diplomatic network of international, regional and sub-regional organisations, of which the AU forms an integral part. The study of multilateral diplomacy within the AU should therefore be considered within this international context. In evaluating the role of multilateral diplomacy in the construction and consolidation of the AU, the combination of diplomatic substance and process helps to structure the framework for analysis

so as to assess, over a broad spectrum, the utility of multilateral diplomacy within the AU.

2.4 Multilateral Diplomatic Procedure and Practice

Multilateral diplomatic practice has unique characteristics that take into account the multiplicity of interdependent issues and actors. Of particular importance in this dissertation, will be the relevance and utility of these procedural characteristics for an effective and productive AU. In other words, characteristics of multilateral diplomacy that are conducive to an integrated, regenerated and unified continent will form the focus of the analytical framework to be applied.

Multilateral diplomatic practice by and large takes the form of conference diplomacy and thus concerns itself with procedural issues of venue, participation, proceedings and decision-making (Berridge, 1995:62). However, just as the substance and outcomes of multilateral diplomacy are significant, so too are these procedural characteristics in contributing to and shaping those very outcomes. The significance of a meeting venue, for example, should not be underestimated. As Berridge (1995:63) points out, venues are often chosen based on their existing infrastructure and scope for publicity. Venues that provide good logistical facilities in terms of accommodation, telecommunications and conference services contribute to the overall success of the conference by providing the conducive environment for the diplomatic process to unfold. Of more political significance, and particularly pertinent to the diplomacy practiced during the building of the AU, is the customary practice of the host country presiding as president or chair over the specific meeting. This allows a certain country, through its foreign minister or head of state, to set the tone of and steer the meeting and implies a definite position of influence (Berridge, 1995:64) – a significant element in understanding the diplomatic outcomes on the continent in the last few years.

Other procedural aspects of participation and decision-making are relatively straightforward, especially in the case of the AU. As a continental organisation, participation in Union meetings is open to all member states, although in some cases smaller working groups or sub-committees are created to address specific processes or issues and consist of representatives from each of Africa's five geographic regions. The three primary policy organs of the AU, namely the Assembly, Executive Council and Permanent Representatives' Committee (PRC), however consist of all Member States of the Union. One organ that will undoubtedly have its own problems in terms of participation or membership is the PSC - just as the UN Security Council that has presented the global agenda with "problematical conference participation" (Berridge, 1995:66). However, this will be elaborated on in chapter three.

Still on the issue of participation, it is widely acknowledged that the number of actors involved and participating in the diplomatic process have increased drastically in contemporary diplomacy. As Marshall (1997:18) points out, not only have the number of sovereign states increased, but so too have non-state actors, all of whom influence the global agenda and thus the diplomatic process and its content. The "invasion" (Marshall, 1997:11) of new issues, such as the global environment, disarmament, international crime and terrorism, protection of human rights, amongst others, has induced the emergence of numerous groups lobbying around those very issues, and more and more interest groups and non-governmental organisations (NGOs) are making their way onto the global stage with an increase in public interest in the domain of global politics. This is one area where the AU differs notably from its predecessor. Institutionalisation of an enhanced role for civil society, through the ECOSOCC as well as the PAP, bodes well for inclusivity in AU programmes and indicates a shift from previously exclusive state-centric approaches towards people-centred development. This issue will also be elaborated upon in chapter four.

Another common procedural characteristic of conference diplomacy is its consensus style of decision-making. As a 'negotiated agreement' (Berridge, 1995: 73), consensus essentially operates on the basis that there is an emerging measure of support for a certain proposal or resolution (Barston,

1997:175) and it thus has advantages and disadvantages. On the one hand, consensus decisions are collective and therefore usually more sustainable. However, more often than not, a consensus decision is a watered down version which vaguely accommodates all or most positions. The principle of consensus is applied throughout decision-making in the Union, except on issues of procedure which are decided by a simple majority of member states eligible to vote (AU Rules of Procedure of the Assembly of the AU, 2002(a):10). The practice of consensus, however, has special significance within the AU in that it entrenches the spirit of unity, solidarity, cohesion and cooperation amongst African states, the core principles of the continental organisation (OAU, Constitutive Act, 2000(a):1).

Proceedings characteristic to multilateral diplomacy are generally parliamentary in nature (Berridge, 1995:69) in that they involve a large number of delegations negotiating numerous issues in a public setting, which often prevents real debate and successful negotiation. Even closed meetings do not escape these elements and result in superficial discussion of issues without any true bargaining. Such parliamentary styles, in turn, contribute to the formation of smaller groups or coalitions to conduct in-depth consultations on various issues, sometimes identifying only controversial points to focus on and thrash out. It would thus not be inaccurate to state that “while international conferences are usually organised on the basis of meetings between sovereign states, group dynamics are often a key determinant of outcomes” (Leigh-Phippard, 1996:2). In an organisation that is made up of diverse groups of countries, and diverse positions on certain issues, the AU epitomises this element of multilateral diplomacy, namely the use of these coalitions and regional groupings to caucus on various issues.

The AU is unique in this regard. The Union consists of five regions namely Southern, East, Central, West and North Africa. This arrangement was inherited from its predecessor and is still aimed at ensuring geographical representation within the activities of the organisation. However, the countries on the continent are also members of their respective RECs, established to promote regional integration and economic development amongst strategic

partners. The primary seven RECs include the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Inter-Governmental Authority on Development (IGAD), and the Community of Sahel-Saharan States (CEN-SAD). In addition, and although beyond the scope or purpose of this chapter, other sub-regional organisations have been formed as subsets within the larger ones listed above, creating even more institutional disharmony. Needless to say, membership of the RECs does not necessarily coincide with that of the AU regions, occasionally causing duplication of efforts and lack of coordination. According to the Annual Report on Integration in Africa, compiled by the United Nations Economic Commission for Africa (UNECA) in 2002, most African countries belong to two or more regional blocs. “Of the 53 African countries, 27 are members of two RECs and 18 others are members of three RECs. One country (DR Congo) is a member of four. Only seven countries belong to one REC” (UNECA, 2002:6).

Nevertheless, despite this lack of rationalisation, the regional groupings classified within the AU are relatively clear-cut and are frequently used to caucus on issues and collaborate on positions, so as to facilitate large-scale multilateral negotiations. This was clearly evident in the 2001/2002 negotiations on the modalities of establishing the primary organs of the AU, as will be examined in chapter three.

2.5 Multilateral Diplomatic Content

The elements outlined above are not the only useful parameters to use when analysing the role of multilateral diplomacy in operationalising the AU. Examination of the diplomatic content and context of the AU highlights the actual role of multilateral diplomacy in reaching the specific outcomes related to the new continental body. Substantive issues such as the agenda and

outcomes of negotiations thus require consideration, as does the international context within which African countries operated.

Barston (1997:5) attributes the changes in the content of diplomacy since the Second World War to the “expansion of multilateral and regional diplomacy, much of it economic or resource related.” The onslaught of globalisation and the increasing interdependence of states have resulted in a bloated international agenda that now not only concentrates on traditional issues related to international security, but also on trade, human rights, transnational environmental and sustainable development, international crime, and science and technology transfer, to name but a few. Just as is the case with diplomatic procedure, the content of diplomacy has in turn had to adapt to the volume and depth of these new issues.

On a qualitative level, both the level and method of diplomatic practice have changed where, according to Langhorne (1998:11), the balance of power among players has shifted from governments towards private actors. Perhaps though, the balance has not shifted as such but rather that the latter are more visible and acknowledged as diplomatic actors. Linked to this is one of the most striking features of contemporary diplomacy, namely its openness and transparency. As indicated earlier, it has had to make space for non-state actors which have contributed to the ‘popularisation’ of diplomacy by ensuring public access thereto with the result of more effective pressure on governments. This evolution of diplomacy has also resulted in a shift from traditional diplomatic functions of negotiation, representation and information gathering, towards policy input, research and coordinating-managing roles (Hocking, 1995:13). Diplomats are increasingly required to possess skills in management, planning, implementing and monitoring foreign policy, as well as responding to changes in the international environment. This specific trend has particular relevance for African diplomats who have to address a wide spectrum of issues ranging from socio-economic development to conflict resolution and good governance, amongst others.

One of the more relevant changes in the role and practice of contemporary multilateral diplomacy, and which also relates to the content thereof, is the increased use of coalitions to facilitate negotiations and coordinate positions. Such coalitions are usually regional and/or interest-based and are generally “crucial in the decision-making process, imposing a group structure on the negotiation and, in so doing, significantly determining its dynamics” (Leigh-Phippard, 1996:2). Within the scope of multilateral diplomacy though, these group dynamics have signalled a shift towards a new form of associative diplomacy (Barston, 1997:116) where negotiations take place between coalitions rather than individual sovereign states. Added to this qualitative change in multilateral diplomacy, and of particular relevance to the creation of the AU, is the role of contact groups which Leigh-Phippard (1996:9) describes as ad hoc diplomatic instruments focusing on specific problems within larger negotiating processes. The prevalence of regional consultations during the transition period, leading up to and following the launch of the Union, attests to this very fact, as will be shown later on in the dissertation.

An added advantage of multilateral diplomacy within the AU is the “impetus which it can give to bilateral diplomacy” (Berridge, 1995:59). For many African states, the costs of maintaining bilateral missions is too high and they use the opportunity of AU Summits and other meetings to consult with their strategic partners on a bilateral level on issues outside of the formal agenda. Similarly, multilateral diplomacy furthermore provides opportunities for political adversaries or states without diplomatic relations to engage without direct confrontation (Spies, 2006:63).

It is clear then that the content of diplomacy and diplomatic practice itself have had to adapt to embrace new trends in global and African politics. As Hocking (1995:7) states, diplomats are able to be instruments of effective global governance by adapting to global dynamics and developing comprehensive strategies applicable to the policy environment of sub-national, national and international interests. In this case, context essentially inspires content. It is thus also of importance to outline the diplomatic context during the creation of the AU, which further contributes to the formulation of a useful analytical

framework. The impact of the international environment should not be underestimated in considering the motivations for the transition from the OAU to the AU and it is hence included as an element of analysis of the role of multilateral diplomacy in the transition process.

2.6 Multilateral Diplomatic Context

The impact of globalisation on the structure and conduct of international relations in recent years has been profound, particularly for the African continent. It has increased interdependence amongst global actors where no player can act in isolation, and where all actions have consequences for other players. It encompasses a multitude of crosscutting issues and actors and includes change in political, social and economic spheres of activity. At a practical level, it has resulted in enormous advances in air travel, telecommunications and information technology which have minimised restrictions to the flow of information, products, cultures and people across geographical and political borders.

Globalisation has also highlighted the enormous gap between the developed industrialised countries and the developing countries. As the North has possessed the financial and human resources to remain on the cutting edge of information and communications technology, it has also been able to promote universal norms and philosophies of capitalism and liberal democracy. Conversely, the developing world continues to struggle with basic issues of poverty eradication, peace and security and infrastructural development, amongst others. For many, the poverty and underdevelopment of Africa are in stark contrast to the prosperity of the developed world (NEPAD, 2001:1). Despite being an issue on the global agenda for decades, Africa's sustainable development leaves much to be desired, with 49% of the continent's population living on less than one dollar a day (Kim, 2003:1).

NEPAD (2001:3) briefly describes the elements which have contributed to the continent's plight as including the legacy of colonialism, the Cold War, the

workings of the international economic system as well as the shortcomings of the political and socio-economic policies pursued by some African states in the post-independence era, together with the marginalising effects of globalisation. Most African countries are unable to compete effectively partly due to unfavourable terms of trade and ineffective political and economic leadership. This deteriorating situation which the continent finds itself in, together with the ever-increasing recognition of the intrinsic link between peace and development, has forced African leaders to acknowledge that the continent needs to take charge of its own renewal and development.

These new realities and challenges of the global environment on Africa and the urgent need to properly address them formed the basic context for the continent's concerted drive towards the AU. It was felt that its predecessor, the OAU, had played a key role in ending colonialism and apartheid, but fell short "in terms of fostering peace and security, as well as the integration of economies" (Bakwesegha, 2001:30). Furthermore, there was a need for the continental body to expedite the integration process envisaged in the 1991 Abuja Treaty thereby contributing to the process of unifying the continent. The transition of the OAU into the AU should thus be viewed within this broader context of the enormous changes in the international system and the political, economic and social effects thereof, particularly on the people of Africa.

Just as the policies of the continent would need to address these new global challenges, so too would the institutional framework of the Union need to complement the effective implementation of those very policies. The role of multilateral diplomacy, as a tool of global and, in this case, continental governance, in creating the said institutions and organs was and will continue to be of vital importance in shaping the activities and successes of the Union. The role of multilateral diplomacy in creating the AU is thus a good example of how the contemporary international context has encouraged the institutional and policy-making framework of the continent.

2.7 The Analytical Framework

In summary, the analytical framework draws on, and contributes to, first and second order levels of diplomatic theory in that ideas, thoughts and actions pertaining to multilateral diplomacy on the continent, will be analysed and the nature of African diplomacy used in the creation of the AU, taking into account substance, process and context, will be investigated.

Particularly useful will be the application of this framework to the diplomacy already utilised during the formation of recently established AU organs, and in turn, the utility or value thereof to the AU as a forum for African diplomacy. Deductions from chapter three which will focus on diplomacy used thus far can then be applied to chapter four where the future role of multilateral diplomacy in the organs yet to be launched can be projected in more detail.

Throughout the next two chapters, reference will be made to the diplomatic context, content and processes, as contributions to global and continental governance. In this way, the role of multilateral diplomacy in creating and implementing various organs and programmes of the Union will be analysed which will also point towards the impact of the Union on the very nature of African diplomacy. The relevance of continental diplomatic processes to the study of diplomacy as a tool of global governance will thus not be neglected.

This theoretical approach will contextualise the transition from the OAU into the AU as a phenomenon of multilateralism that needs to be studied within IR theory.

2.8 Conclusion

The analytical framework outlined above will contribute to the research theme of this dissertation, namely the practice of multilateral diplomacy emerging on the African continent, both through its primary policy-making organisation, as well as its contribution to the study of diplomacy as an important tool of global

governance. According to the Commission on Global Governance (1995:4), global decision-making has to build on and influence local, national and regional decisions or policies in order to be effective. The implications for diplomacy then are multifaceted: government and other global stakeholders are required to build networks and maintain partnerships aimed at pooling knowledge, information and skills in the interests of joint policy development.

Diplomats are thus key role players in the management of international relations and their profession remains vital to the consolidation of effective global governance. Petrovsky (1998:4-5) aptly sums up the potential of diplomacy to facilitate good governance, both nationally and globally. He asserts that diplomacy is able to consider all actors, all interactions and all implications of different policy decisions by maintaining a multilayered approach to issues on the diplomatic agenda. Diplomacy therefore adapts to the interdependency of the issues and actors it deals with. These assertions apply to the continental level too where African diplomats respond to the need for effective continental governance aimed at Africa's sustainable socio-economic and political renewal. This link between good governance and sustainable development is implicit in the preamble of the AU's Constitutive Act (OAU, 2000(a):3-4) as well as in NEPAD, which views democracy and political governance as a precondition for building capacity to sustain growth, development and poverty reduction (NEPAD, 2001:28). African diplomacy is geared towards promoting these principles in order to achieve the continent's policy objectives of socio-economic development, peace and stability.

The next chapter will consider this context of change in Africa's governance as well as the contributions of multilateral diplomacy in the creation of some of its primary organs, namely the Assembly of Heads of State and Government, the Executive Council, the Permanent Representatives' Committee, and the Commission. Added to this will be the analysis of the recently launched PSC and PAP, both of which are milestone achievements in the organisation's early history and infrastructure. Diplomatic trends and practices used by African states will also be briefly drawn from the development of NEPAD, as the

continent's principal agenda for development (Mbeki, 2003) and thus its diplomatic content for the future.

CHAPTER 3: THE ROLE OF MULTILATERAL DIPLOMACY IN CREATING THE AFRICAN UNION

3.1 Introduction

As mentioned from the outset of this study, the prevalent diplomatic theme throughout the analysis is multilateralism, which has dominated diplomatic theory and practice in the last few decades.

In this chapter these diplomatic ideas and practice are explored by analysing the multilateralism that has facilitated the creation of the primary organs of the AU, organs which have been mostly political in nature and function. The analysis will be guided by the theoretical framework set out in the previous chapter so as to assess certain diplomatic processes, substance and contexts. It is important to note that the elements highlighted in the theoretical framework apply in varying degrees to different organs that were established – a fact which will become more evident throughout this chapter. Furthermore, in light of the priority focus area throughout the transition phase, namely procedure and institutionalisation of the new Union, discussion on diplomatic process and procedure will precede that on content and context. It was realised at an early stage of the transition, just as in any multilateral organisation, that the development of clear and precise rules of procedure for the primary organs of the Union would set a solid foundation and act as a lubricant for it to proceed with its work thereby contributing to the substantive outcomes of the organisation (Sabel, 1998:12). Defining the nature of the Union was thus implicit in the development of its organs and their respective modalities of work.

As a result of the numerous organs and institutions envisaged in the AU, and as summarised in article 5 of the Constitutive Act, during the annual Summit held in Lusaka in July 2001 African leaders decided to prioritise the Union's primary policy organs (OAU, 2001(b): AHG/Dec.160 (XXXVII)). These priority organs included the respective forums for interaction by member states' Heads of State and Government, Foreign Ministers and the Permanent

Representatives accredited to the Union in Addis Ababa, namely the Assembly, Executive Council and Permanent Representatives' Committee (PRC). Added to this was the Commission, which would be the secretariat of the Union. The development of these bodies thus formed the focus of the organisation's work during the formal transition period following the Lusaka Summit until their respective launches in Durban one year later. Furthermore, the specific diplomatic practice and ideas used in the operationalisation of the PSC and the PAP will also be evaluated accordingly. The respective launches of these two institutions in March 2004 in Addis Ababa were milestone events in the continent's history and entailed implications for the future practice of African diplomacy.

3.2 The African Union Policy Making Mechanics

As an intergovernmental organisation for the continent, the Union is unquestionably multilateral in nature and it goes without saying that this will impact on the formulation and implementation of its future policies. During the transition period, however, this multilateral diplomacy was characterised by regional bloc diplomacy and a strong focus on procedural aspects of the organisation's working methods. As highlighted earlier, the development of the rules of procedure for the prioritised organs occupied the major part of the transition period's diplomatic agenda. This involved a myriad of meetings of member states at officials' and ministerial levels to consider the draft versions of the respective rules of procedure, as well as numerous meetings at sub-regional levels in order to caucus accordingly. The relevance of procedure in such multilateral conferences is clearly crucial to its smooth functioning and to ensure the principle of procedural equality for all participants (Sabel, 1998:12). "No international organisation or international conference can carry out its function without clearly defined rules of procedure" (1998:3). Clear rules to level the playing field were vital in creating the Union and in entrenching its ability to steer the social and economic transformation of the continent (OAU, 2001(d): 20). It was for this reason that the rules of procedure of the main policy making organs of the Union were prioritised during the 2001/2002

transition period, so as to allow for their formal launch in Durban in July 2002 and thereby set the organisation on an organised and institutionally-sound path.

The role of multilateral diplomacy in developing and creating these four primary organs of the Union will thus be analysed according to the processes utilised in considering their respective draft rules of procedure. It is important to distinguish between the actual diplomatic processes used and the substance thereof, which was itself procedural in nature.

3.2.1 The Relevance of Process and Procedure

Following the Lusaka Summit and the election of Mr Amara Essy as the new Secretary-General of the OAU in July 2001, all efforts were geared towards drafting the relevant rules by which the new organs of the Union would operate. October 2001 saw a series of in-house brainstorming sessions by the then OAU Secretariat on the nature and structure of the new Union, primarily based on the Constitutive Act and other declarations by the political leadership of the continent. Draft rules of procedure for the four key organs were presented to the OAU Permanent Representatives of member states and other experts for consideration during the first two months of 2002 (OAU, 2002(a) and (b)). This was followed by meetings at the level of foreign ministers to consider the documents, including consultations within a specially formed Ad Hoc Ministerial Committee to consider the draft rules in greater depth, especially those items that were most contentious, and report accordingly (OAU, 2002(e)).

Throughout consultations, regional coalitions and negotiations played an extremely important part in the development and finalisation of the modalities of the key organs. While the world witnessed the final proclamation of the launch in Durban, as in any diplomatic process the preparations for the Union's establishment were far more intricate, controversial, extensive and very much behind-the-scenes. Numerous meetings were held within the smaller regional organisations (SADC, SADC/CM/1/2002/ 7.1.4, 2001) and by the continental policy organs, all of which were characterised by pre-bargaining, consultations

amongst strategic partners, and the lobbying of regional positions preceding formalised discussions at the continental level.

One of the major contributory factors to the development of the key organs of the AU was the style of proceedings embraced by countries throughout the process. Contentious issues within the draft rules of procedure were scrutinised by the RECs, *inter alia* the Southern African Development Community (SADC) and Economic Community for West African States (ECOWAS). For example, legal experts from the SADC region met from 8 to 12 October 2001 to draft rules of procedure for the priority organs of the Union (SADC, SADC/CM/1/2002/ 7.1.4, 2001:1), which informed the region's positions throughout the consultation process. In this way consensus amongst a smaller group of countries was obtained first, thereby slightly alleviating the same task at the continental level. Leigh-Phippard's (1996:2) assertion that group dynamics is a key determinant of outcomes has a clear application to the said OAU/AU consultative process. The regional coalitions essentially reduced the number of negotiating actors to a manageable quantity (Jönsson, 2000:24), namely from 53 member states to approximately five regional blocs.

While acknowledging the role of regional bloc diplomacy in the finalisation of the modalities of the key organs, it is also important to briefly examine other procedural aspects of the diplomatic process, as stipulated by the analytical framework.

Although the question of venue was not especially significant in the consultation process itself (most meetings were held in Addis Ababa - the headquarters of the organisation), it was particularly important within the actual draft rules of procedure. Member states were well aware of the political and logistical significance of the venue for the new Union and its various meetings. Previously, countries that offered to host an OAU Summit were automatically elected as chair of the organisation for the ensuing year, which in multilateral diplomacy implies that the chairing country is ideally positioned to influence the work of the specific organisation (Berridge, 1995:64). However, it was recognised that some African countries did not have the appropriate

infrastructure or facilities to hold large-scale meetings successfully, a fact which often resulted in a shift in focus of the meeting from substantive discussions to logistical problems. The current rules of procedure of the Assembly and other key organs therefore state that meetings held outside of Addis Ababa require, amongst others, adequate logistical facilities and a conducive political atmosphere (Cilliers, 2002:2). However, as stated in Rule 5 (AU, Assembly, 2002(a):3), summits will be held at the Headquarters in Addis Ababa at least every other year, thereby reducing the “premier role” of the chairperson of the Union between the Assembly’s annual sessions (Cilliers, 2002:2).

Participation in meetings of the continental organisation is open to all its members, except where sub-committees or working groups are established to perform set tasks. The deeply entrenched principle of geographical representation applied to all meetings and processes of the OAU and continues to do so in the AU. As indicated earlier, a Ministerial Committee was formed to consider the draft rules of procedure in more detail and while this committee consisted of several representatives from the continent’s regions, it was considered open-ended for all countries. As is customary practice within multilateral organisations, some members are subject to sanctions which limit the extent of their participation. For members of the AU, sanctions are applied to those who do not pay their financial arrears, for non-compliance with AU decisions or for allowing unconstitutional changes of government (AU, Assembly, 2002(a): Rules 35-37).

Still on the issue of participation as a procedural element of the diplomatic process, it is interesting to note that the role of civil society in the formulation of the modalities or methods of work of the key Union organs was almost non-existent. This was despite the international trend of non-state actors impacting and influencing the global agenda (Marshall, 1997:18). The reason for this was perhaps that member states, as role players with vested interests in the key organs, influenced the structures through which they themselves would have to operate. In the same vein, the ECOSOCC as a people-centred organ of the Union has and is likely to continue to be developed according to contributions by relevant civil society and non-governmental sectors (AU, Executive Council,

2003(a): EX/CL/Dec.2 (II)). However this aspect of the creation of the Union will be elaborated upon in the following chapter.

Following the global conference diplomacy trend in terms of decision-making, the Union takes its decisions by consensus, failing which by two-thirds majority of member states eligible to vote (AU, Assembly, 2002(a): Rule 18). Procedural issues are however decided upon by a simple majority. The practice of consensus decision-making was a firmly entrenched principle in the work of the OAU and is institutionalised in the AU, particularly as it epitomises core African values of solidarity, unity and cooperation. Throughout the process of formulating the modalities of work of the key organs, the principle of consensus prevailed so as to arrive at legal texts that all countries were satisfied with, while also addressing the substantive issues at hand.

The usual implication of this style of decision making is very broad based support for the decisions in a highly divided system (Sabel, 1998:9), but consensus actually expedited finalisation of the rules of procedure of the key AU organs. This was particularly evident in the debate regarding the number of Commissioners and related portfolios within the AU Commission - the content of which will be elaborated upon shortly. The issue was discussed at length, referred to a sub-committee of the ambassadorial deans of the various continental regions, and referred back to plenary without any firm decisions being taken. As mentioned in the Report of the Second Meeting of Experts and Permanent Representatives on the AU (OAU, 2002(b):14), the issue could not be resolved and was referred to the next policy making level, that of ministers – a procedure that is often resorted to in the event of a clear lack of consensus. The consensus decision to have eight portfolios (in addition to the Chairperson and Deputy Chairperson posts), prevented the existence of too many portfolios – as envisaged by the West African region – and too few portfolios which the Southern African region advocated. Other procedures used included the establishment of ad hoc drafting groups where member states with vested interests in certain texts were mandated by the chairperson to breakaway and formulate consensus wording (Short, 2008).

Another element to consider in this analysis is the significant role of the regional deans within the PRC (Short, 2008). The regional deans include the longest-serving permanent representative in each of the geographic regions accredited to the AU in Addis Ababa. The deans were frequently called upon to coordinate processes, caucus regional positions and nominate regional candidates for electoral processes within the AU. This role was particularly significant in terms of entrenching regional bloc diplomacy and harmonising 53 country positions into five regional approaches on AU priorities and issues.

This brief outline of the procedural elements in the finalisation of the key organs' modalities might appear trivial and tedious. However, due consideration should be given to the political significance of the negotiations conducted at various levels in this regard. While still new and far from perfect, the rules of procedure have guided proceedings in all meetings of the Union since the inception of its primary policy-making bodies – and will continue to guide the latter's processes and methods of work. The very nature of the Union and how it conducts its business will both determine and be determined by the rules of procedure. New issues such as intervention in fellow member states and gender mainstreaming have been included into the rules of procedure so as to make the rules more relevant to contemporary international society and current realities. This development of procedure and how it is used to guide engagements amongst AU members and between the AU and other partners, shows the interdependence between procedure and international collaboration (Sabel, 1998:3).

3.2.2 Multilateral Diplomatic Content and Contextual Significance

As deduced from the analysis above, the diplomatic content in the creation of the key organs of the Union was essentially procedural in character. The agenda throughout the consultation process included the draft rules of procedure for the respective bodies as well as a review of the structures, procedures and working methods of the Central Organ to the Mechanism for Conflict Prevention, Management and Resolution – items which had all been

highlighted as priorities by African leaders in Lusaka (OAU, 2001(b): AHG/Dec.160 (XXXVII)). As the priority of the Central Organ modalities will be discussed in section 3.3 of this chapter, it is pertinent first to examine the content and nature of negotiations on the draft rules of procedure, more specifically the contentious issues such as the Commission portfolios, country quotas and gender balance. The contentious rules often related to deeper issues of substance where member states clearly had vested national interests as opposed to the collective vision of the Union.

As mentioned earlier, this tendency towards heeding national interest rather than continental interest manifested itself in the discussions around the number of Commissioners and their respective portfolios. Debates ranged from clustering portfolios in accordance with the STCs listed in the Constitutive Act (OAU, 2000(a): Article 14) to arguments for fewer Commissioners due to the limited financial capacities of the new Union. SADC insisted on five portfolios according to the clustering of issues done within its organisation (SADC, 2001:2), while ECOWAS member states generally supported additional portfolios – viewed by many as a strategy to increase their allocation to the West Africa region. Judging by the agreed portfolios, it would appear that the approach to match the new institutional framework with the continent’s strategic priorities prevailed, despite certain national or regional positions. The clustering of issues into the portfolios of Peace and Security; Political Affairs; Economic Affairs; Trade and Industry; Infrastructure and Energy; Rural Economy and Agriculture; Human Resources, Science and Technology; and Social Affairs is evident of a focus on priorities such as regional integration and economic development, good governance and promoting peace and stability on the continent. The significance of these objectives for Africa was clearly not lost in the debate, regardless of the wranglings on the Union’s structure. These priorities will be discussed further as the foreign policy objectives of the Union in chapter four.

Added to the debates on Commission portfolios, was the question of gender balance amongst the new Commissioners. The proposal advocated by the Southern African region that half of the Commissioner posts should be filled by

women was naturally very unpopular with certain countries, particularly those predominantly Arab countries from the North of the continent. However, following lengthy debates and numerous caucuses, Article 6(3) of the Commission Statutes provides that of the two Commissioners elected from each region, one must be a woman (AU, Assembly, 2002(c):6). Unlike any other multilateral African organisation, or any IGO for that matter, the new Commission of the AU consists of five qualified females in posts that previously would have been occupied by men. The 50 percent rule is furthermore slowly cascading down into other legal and procedural instruments on the continent through practice and precedence. The challenge faced now is for member states to nominate suitably qualified and dynamic women to entrench the principles of equality and effective leadership within the Commission, and not simply present token candidates.

These debates, together with those regarding the clustering of portfolios within the AU Commission and thus the strategic priorities of the Union, were indicative of a broader sense of change within the continental organisation. Expectations leading up to the inaugural session were that the AU had to be different from its predecessor and not just in name. It was clear that underdevelopment, poverty and the continued scourge of conflicts in pockets of the continent all required a more dynamic, relevant and efficient organisation to address such issues effectively. The prevailing political atmosphere on the continent thus inspired the institutional development and agenda of the new Union and the expert meetings and consultations were thus aimed at “determining new ways of working that will differentiate the AU from the OAU” (Cilliers, 2002:97).

3.2.3 Lessons Learnt

Perhaps the most significant lesson to be drawn from the abovementioned diplomatic process and efforts is that the role of procedure is vital in steering the course of international organisations, particularly within a predominantly multilateral and parliamentary context. The transition from the OAU into the AU

provides one with a clear indication of the commitment by African countries to build a solid institutional foundation for their new body through the development of fair, practical and negotiated rules. It was acknowledged that by doing so the AU would institutionalise “regularity of procedure” (Sabel, 1998:4) and allow for due process on a level playing field – an extremely significant factor in African politics considering the diversity of countries on the continent. Furthermore, good knowledge of the rules of procedure assisted countries in steering or even stalling debates thereby highlighting the political utility of procedure.

The importance of due process and procedure in the new Union and the members’ commitment thereto was highlighted at the very start of the new organisation during the Inaugural Summit in July 2002 in Durban. Despite the entry into force of the Constitutive Act in 2001 signalling the clear commitment of the continent in establishing the AU, Libya chose the occasion to propose amendments to the Act, raising doubts about the very nature of the new Union. The proposals related to the term and seat of office of the Chairperson of the AU as well as his/her powers, amongst others, mostly implying a shift in influence from member states to the AU Commission and individual AU Chairperson – an unwelcome shift for many countries (Short, 2008). According to Libya, as heads of state and government and the highest decision making body, the Summit could adopt the amendments immediately. Had it not been for the Southern and East African regions who insisted that the amendment procedure in article 32 of the Act be adhered to, an extremely dangerous precedent would have been set for the Union with serious implications on its procedural character and international credibility. As a matter of interest, the Protocol on the Amendments to the Constitutive Act has still not entered into force despite its adoption in 2003. This is in stark contrast to the Constitutive Act which took a record ten months to enter into force in 2001.

Also reflected in the analysis above is the unique nature of multilateral negotiations, which are conducted in a way so as to reduce their very complexity, through coalition building and the disaggregation of issues (Jönsson, 2000:24). What is meant by this is that, in the case of the AU policy mechanisms, coalitions were built around regional cooperation while the rules

of procedure were discussed in succession and separately, often involving smaller drafting committees to deal with specific issues (2000:25). Bal (1995:15) describes this approach aptly where the negotiation process acted as a political filter in addressing minor technical issues quickly, and left the political problems to be solved at the higher level of ministers.

The extent of regional cooperation throughout the negotiation process and the diplomatic tactics by the African regional blocs contribute to a deeper understanding of the current and future dynamics of African diplomacy. Despite the trend within global diplomacy of a decline in blocs (Barston, 1997:7), the diplomacy used in the creation of the AU was primarily based on the full use of regional blocs. Besides the caucuses of the old OAU regions (i.e. Southern, Central, West, East and North African regions) during the respective meetings, the efforts of the RECs also proved highly conducive in expediting a process that could have been protracted due to its technical nature and could potentially have prevented the launch of the Union in July 2002.

Regional diplomacy and politicking were also vital in another aspect of the transformation to the AU, namely its mechanisms for the prevention, management and resolution of conflicts.

3.3 Peace and Security Reconsidered

In the preamble of the Constitutive Act, African leaders clearly admit to the intrinsic link between peace and development by recognising that “the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent” and acknowledge that the promotion of peace, security and stability is a prerequisite for the implementation of the continent’s development and integration agenda (OAU, 2000:3). The OAU’s Central Organ to the Mechanism for Conflict Prevention, Management and Resolution (MCPMR), while well-founded, was in dire need of transformation following its often-sluggish response to conflicts on the continent (Bakwesegha, 2001:32), and in response to new peace and security challenges and realities in Africa. It

was for this reason that the Protocol to the Constitutive Act Establishing the PSC (AU, 2002(e)) was drafted for consideration amongst member states of the organisation.

Taking into consideration the Constitutive Act's principles guiding the continental peace and security agenda, it was accepted that the PSC needed to address new issues of intervention in member states in the event of gross human rights violations and genocide (OAU, 2000(a): Article 4), as well as modalities of early warning systems, peace-building, and disarmament, demobilisation and reconstruction processes. It was clear that the time of mere talk-shops and issuing toothless communiqués was over and in its place was a “degree of acceptance of African responsibilities for meeting the peace and security challenges on the continent” (Cilliers, 2003:5). In order to elicit the role of diplomacy in the eventual establishment of the PSC, the same analytical framework in terms of the diplomatic process and substance will be applied.

3.3.1 The Diplomatic Process for Peace

Just like other diplomatic processes conducted within Africa's primary organisation, consultations on the Draft Protocol establishing the PSC took place at all political tiers of decision-making, namely amongst experts and officials, after which recommendations were considered by the ministerial forum, i.e. the then Council of Ministers, for final adoption by African heads of state and government themselves. The process culminated in the adoption of the PSC Protocol by African leaders during the first session of the newly launched AU Assembly on 9 July 2002 (AU, 2002(f): Ass/AU/Dec.3 (I)). The Protocol entered into force over a year later in December 2003 following the requisite ratification by a simple majority of member states. The PSC was thus formally established at ministerial level on 15 March 2004 in Addis Ababa and most member states were eager to be one of the founding members of one of the most important new organs of the Union. In the interests of continuity it was agreed in the PSC Protocol (AU, 2002(e): Article 5 (1)) that the PSC would consist of five members serving three year terms and ten members serving for

two years. South Africa, Nigeria, Algeria, Ethiopia and Gabon were elected for a three-year term, and Lesotho, Mozambique, Kenya, Sudan, Cameroon, Congo, Libya, Senegal, Togo and Ghana for two-year terms respectively (AU, 2004(f): EX/CL/Dec. 81 (IV)).

Again the role played by the regional blocs, in drafting texts and achieving consensus on certain issues relating to the Draft Protocol, was instrumental in expediting the finalisation thereof by the Durban Summit. Several RECs such as SADC, ECOWAS and IGAD, already had established mechanisms for peace, security and stability within their respective regions, which were used to guide the participation of their member states in discussions on the continental conflict management framework (SADC, 2001:5). Following the Lusaka mandate that the structures and working methods of the Central Organ be reviewed (OAU, 2001(b): Dec.160 (XXXVIII), member states went into action in drafting proposals accordingly. It was a common realisation that acceptance of such proposals firstly by the respective regional bodies would facilitate similar support within the broader continental context.

The issue of reviewing the peace and security mechanisms of the former OAU also prompted a unique practice by the continental organisation. It was decided to hold a brainstorming session for ambassadors of member states on the Central Organ and on the NEPAD Implementation Committee to discuss the modalities and structures of the envisaged mechanism. This session was hosted in South Africa from 18 to 22 March 2002 and was facilitated by a non-governmental organisation called SaferAfrica. The brainstorming session highlighted two main trends in the diplomatic practice of the continent, namely resorting to informal discussion environments to facilitate a free exchange of views and progress, as well as the increased cooperation with civil society on crucial issues on the continental agenda. Both elements are characteristic of the new diplomacy described by Marshall (1997:9) as populist and a “matter of intense public interest and debate”.

While stressing the importance of these procedural factors in diplomatic practice on the continent, the creation of the PSC is also indicative of more

qualitative trends in the nature of African diplomacy. Such trends, which include a greater focus on preventive diplomacy, as well as the inclusion of other actors and experts in the relevant fields of conflict prevention, management and resolution, bode well for the implementation of the peace and development agenda of the continent.

3.3.2 The Peace and Development Agenda and its Context

Fundamentally inherent in the negotiations on the PSC Protocol was the principle that without peace in Africa there can be no development. Article 4 of the Protocol highlights the principles by which the new PSC will conduct its work, including sub-article (d) which states that the “interdependence between socio-economic development and the security of peoples and States” (AU, Assembly, 2002(e):6). This is perhaps the most striking feature of the role of multilateral diplomacy in the creation of the PSC in that it points to the universal globalising trend where boundaries between domestic matters and global affairs, in this case continental, become increasingly blurred (Held and McGrew, 1999:495). More demands are being made on African leaders from both internal and external constituencies, and African countries are under increasing pressure to be more accountable for their actions (Simai, 1997:163). Africa is arguably taking ownership of its problems and challenges so as to effectively address them accordingly.

Another prominent area of diplomacy which has been utilised previously and which will probably remain on the diplomatic agenda for the AU in the foreseeable future is that of preventive diplomacy. Various forms of this type of diplomacy were common in the OAU and included the “use of good offices of the Secretary-General, the despatch of eminent persons, special envoys and representatives” (Cilliers, 2001:2). Such envoys were appointed to consult, coordinate and mediate between parties to conflicts that erupted on the continent such as the Comoros, Great Lakes Region, Burundi, Cote d’Ivoire, Southern Sudan and, more recently, Darfur. While these methods are and will continue to be utilised, the development of an early warning system is

especially significant for the prevention of conflicts on the continent and will thus impact on the Union's unique style of diplomatic practice. Article 12 of the Peace and Security Protocol stipulates the establishment of an early warning system that will facilitate the anticipation and prevention of conflicts (AU, Assembly, 2002(e):17). Interesting to note is the envisaged multilayered approach of the continental system, in that it will draw on the respective regional mechanisms for peace and security as well as the "United Nations, its agencies, other relevant international organizations, research centers, academic institutions, and NGOs" (AU, Assembly, 2002(e): Article 12 (3)). There is thus a noticeable trend towards acknowledging the contribution of the multiplicity of actors in the field and thus developing the appropriate modes of diplomacy that apply at regional, continental and global levels.

The role of African diplomats in this regard is thus becoming more vital in the prevention of conflicts. As Petrovsky (1998:9) points out, the role of multilateral diplomacy in conflict situations is more beneficial during the pre-conflict phase and in terms of preventive actions. In the AU's case, its own credibility will be greatly enhanced when it develops the appropriate capacity to anticipate conflicts. Ways of doing so include the promotion of human rights and democracy and the building of collective regional security (Nkosi, 2002:30) amongst others. Preventive diplomacy, however, should also be prioritised at regional and national levels, as it is African governments who must assume foremost responsibility for the prevention of deadly conflicts. Samkange (2002:81) summarises the means of preventing conflicts more effectively as those efforts that ensure accountability and good governance, protect human rights, promote social and economic development and ensure a fair distribution of resources. In this way, governments contribute to the broader preventive diplomatic focus of Africa and, in the long term, to the socio-economic upliftment of its people.

The use of special envoys and representatives of the Chairperson of the AU Commission is expected to continue in future responses to potential and existing conflicts on the continent. The role of the Chairperson is elucidated in Article 10 of the PSC Protocol (AU, 2002(e): Article 10(2)(c)) and specifically

stipulates that he/she may use his/her good offices, either personally or through special envoys and special representatives, in initiatives aimed at preventing conflicts. These will be just some ways in which diplomacy will be conducted by the Commission on behalf of the Union as a whole.

In brief, the role of multilateral diplomacy in the creation of this vital organ of the Union was more substantive in nature and the content of the diplomatic agenda, within the ambit of continental peace and security, will thus determine the nature of future diplomatic practice in this particular field. The discussion above attempts to highlight the movement towards a multilayered approach to diplomacy, or what Wiseman (1999:4) defines as polyilateral diplomacy which involves diplomacy between states and other entities such as NGOs and interest groups. The role of other and non-governmental actors in the development of programmes and modalities of the PSC should not be neglected, as it appears that the Union will increasingly utilise their requisite expertise and contributions in addressing conflict prevention, management and resolution. This all falls within the broader ambit of preventive diplomacy, which will be one of the primary focus areas of diplomatic practice for the continent's peace and security machinery.

A more inclusive approach, involving private actors (Langhorne, 1998:11), is thus evident in the working of the peace and security agenda of the AU. Governments are slowly realising that they cannot carry the burden of solving conflicts alone but also require the participation of civil society therein (Bakwesegha, 2001:33). This has further implications in other policy directions, one of which is popularising the Union and its programmes amongst Africans themselves. It is this aspect to which the paper now turns. One of the primary organs through which the people of Africa will find expression in their continental organisation is the PAP, which is envisaged as the forum to give voice to Africans at grassroots level (Genge, 2000:5).

3.4 The Pan-African Parliament: Power to the People

The PAP was officially inaugurated on 18 March 2004 in Addis Ababa, following a lengthy consultation process that involved the entry into force of the Protocol establishing the organ, as well as defining the working modalities for the Parliament. The Parliament was legally established by Article 14 of the Abuja Treaty of 1991, which called for a Pan-African Parliament to ensure that the peoples of Africa are fully involved in the economic development and integration of Africa. Its objectives are spelt out in Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (OAU, 2001(a):4) and include facilitating the implementation of the AU's programmes in the fields of human rights, democracy and good governance, peace and security, and economic development and integration. It is apparent from the decade-long lapse between the adoption of the Abuja Treaty and the PAP Protocol that the implementation of the Parliament had not been feasible. However, following the renewed impetus towards an AU provided by the 1999 Sirte Summit, the Parliament was identified as one of the priority organs of the new Union and its creation was thus expedited during the transition phase.

There are again various striking features in the diplomatic effort during the operationalisation of the Parliament, elements that can contribute to a greater understanding of the direction in which the continent's diplomatic practice and ideas are moving. The substantive implications of the Parliament, especially in terms of future diplomacy, warrant analysis, but the paper will firstly consider the process of finalising the PAP Protocol, and the preparatory process leading to the inaugural and first sessions of the Parliament itself.

3.4.1 The Diplomatic Process in Establishing the Parliament

It should be recalled that the scope of this dissertation is limited to multilateral diplomacy undertaken throughout the transition period. However, it is important to note the background to the creation of the PAP, in that the process began in

earnest during 2000 at various meetings of experts and African parliamentarians, during which a draft protocol on the PAP was considered extensively. With the Abuja Treaty having preceded the Sirte Declaration of 1999 and the 2000 Constitutive Act, the development of the modalities of the Parliament thus took place in parallel with similar discussions on the nature and structure of the Union, despite the fact that the Parliament had been envisaged as the final stage of the African Economic Community (Genge, 2000:3). The Protocol was finally adopted by the Extraordinary Summit of African Heads of State and Government held in Sirte, Libya in March 2001. Despite the momentum towards finalising the creation of the Union and its organs, the ratification process of the PAP Protocol took time and only entered into force on 14 December 2003 after the requisite simple majority of ratifications was achieved.

In an effort to expedite the process of establishing the PAP, African parliamentarians met in Cape Town in June 2002, just prior to the Inaugural Summit of the AU. Recommendations from the meeting included the establishment of a Steering Committee of continental parliamentarians to drive the process of operationalising the Parliament (African Parliaments, 2002:2) – a recommendation that was subsequently endorsed by the Durban Summit. The initial priority of the Steering Committee, chaired by the former speaker of South Africa's National Assembly, Dr Frene Ginwala, and consisting of member states that had ratified the PAP Protocol, was to encourage the speedy ratification and entry into force of the PAP Protocol (AU, 2003(f):2), after which procedural modalities occupied the Committee's work, particularly related to the preparations for the formal launching of the pan-African body.

The significance of outlining this consultation process is to highlight the active role played by the continent's parliamentarians and the trend of sub-committees being established to focus on particular issues. Owing to the largely technical nature of negotiations, parliamentarians were relied upon to contribute to the continent's policy on and for the PAP. Granted, the initial process of drafting the legal instrument establishing the Parliament was driven by African diplomats and legal experts through a series of consultations during 2000

(Genge, 2000:3-7), but the role of and contribution by African parliamentarians was substantial. This is indicative of the global trend of the “fragmentation of responsibility” (Barston, 1997:9) within foreign ministries, where the broadened diplomatic agenda and its technical content have resulted in participation by alternative diplomatic actors. In this case those actors were, and is likely to continue to be, parliamentarians who will eventually become members of the legislature of the Union and thus dictate the nature and content of the latter’s foreign policy.

3.4.2 Substance and Context

From a substantive angle, the PAP is intended to play a fundamental part in giving a voice to African people through African political parties represented in the Parliament. The Parliament will only have consultative and advisory powers until such time that the Union’s member states decide otherwise (OAU, 2001(a):4), and much of its work in the short-term will concentrate on finalising its rules of procedure, its budget and credentials. This will lay the solid institutional and procedural foundations required for its effectiveness in facilitating the work of the Union and in remaining accountable to the people of Africa. What then of the implications for the role of multilateral diplomacy in consolidating the AU?

For one, the very nature of the African Parliament is bound to make diplomacy practiced by the Union more inclusive and transparent. The heightened public interest in matters of foreign policy, as Marshall (1997:13) so rightly asserts, must be met by governments through the “flow of information and explanation: to Parliament; to the media; to non-governmental bodies of all kinds; and to individuals”. Member states of the AU will need to do just this if they are to consolidate the Parliament as a credible and transparent continental body, which implies intensified efforts at popularising the Union, and its various organs, throughout the continent. Besides this envisaged public diplomacy of the Union, the PAP will also have a hand in determining the content of the Union’s programmes and policies. Put more simply, the Parliament, and by

implication the people it represents, will contribute to the formulation of ‘foreign’ policy of the Union. Ultimately, the PAP, like national parliaments, will consider policy and legislation of the Union for implementation by the member states, as the legislative branch of the organisation.

Originally envisaged as an organ of the African Economic Community to promote the socio-economic development in Africa, the creation of the PAP is another result of the prevailing context of Africa’s marginalisation from the global economy and the underdevelopment experienced in most of its countries. The realisation that any developmental programmes for the continent should be people-centred and draw on the needs and inputs of Africans themselves, went a long way in ensuring the establishment of the Parliament. As noted by AU heads of state and government in the preamble to the Protocol Establishing the Parliament (OAU, 2001(a):1), the establishment of the Parliament is “informed by a vision to provide a common platform for African peoples and their grass-roots organizations to be more involved in discussions and decision-making on the problems and challenges facing the Continent”. This marked a decisive turnaround in the continental organisation’s overall approach which had previously been state-centric and often neglectful of civil society in general. It also points to the evolutionary trend in modern diplomacy of involving civil society through polyilateral diplomacy, so as to access expertise and new policy ideas (Wiseman, 1999:26) in the pursuit of foreign policy objectives.

The decision on the permanent seat of the PAP was quite an anticlimax during the AU Summit in July 2004 in Addis Ababa. Prior to the 2004 Summit, various countries had made offers to host the Parliament, including South Africa, Egypt and Libya. Without a national parliament, there was little chance that Libya would succeed, “despite the lavish buildings that Ghadaffi had constructed for this purpose in Sirte” (Cilliers, 2003:8). It was likely that Libya withdrew its offer knowing this to be the case, and in an effort to transfer supporters to bolster Egypt’s bid. South Africa and Egypt emerged as the main contenders for the seat, and the race was characterised by various lobbying efforts from both sides, one of which was an Egyptian newspaper article indicating that it had

won the seat prior to the decision having been taken (Egyptian Gazette, 2004). It was expected that there would be an exciting vote for the seat during the 2004 Summit. However, just before the agenda item was presented, Egypt announced the withdrawal of its offer resulting in speculation that certain trade-offs had been made between the respective regions of the two candidates, also within the North African region. What these trade-offs were, however, remains pure conjecture.

Having examined the role of diplomacy in the creation of the PAP and the other key organs of the new Union, it remains to consider the fundamental policy framework which aims to set the Union on the road to poverty reduction, economic integration and sustainable development. NEPAD is particularly noteworthy in that the diplomacy used in its formulation varied considerably from the diplomatic practice conducted by African countries through the OAU and in creating the AU.

3.5 The New Partnership for Africa's Development (NEPAD)

As pointed out in the theoretical framework, international context indubitably inspires diplomatic content. Assuming one takes the latter to mean the substance of foreign policy promotion through the medium of diplomacy, then this assertion is quite applicable to the case of the AU and what is essentially its policy framework, NEPAD. Possibly the best way to analyse the role of diplomacy in the formulation of NEPAD then, is to consider multilateral diplomatic practice by the AU as a logical implementation of the 'foreign policy' objectives of NEPAD (Akokpari, 2002:3). Described as Africa's principal agenda for development (Mbeki, 2003), NEPAD is destined to influence the policies and programmes of the Union and its individual member states, and thus impact on the nature of diplomacy in implementing those very policies - at continental, regional and national levels.

The most noticeable aspect relating to the role of diplomacy in developing NEPAD, was the level at which it was practiced. NEPAD is well known to be an

initiative of the “progressive clique of the emerging African leadership” (Zondi, 2003:1), such as South Africa, Algeria, Nigeria, Senegal and Egypt - a fact that has drawn much criticism and caution towards the programme. While many have seen this as one of NEPAD’s weaknesses (Kim, 2003:9), it is also feasible to assert that this element will ensure its success, as it will temporarily be conducted at a higher level than that of the continental organisation – which has not been overly successful in implementing its previous developmental initiatives. Regardless of the debate, the gradual integration of the NEPAD process was formally decided upon by African heads of state and government during their annual meeting held in Maputo in 2003, and by so doing, they set the Union’s policy and diplomatic agenda for the future. The creation of NEPAD is a good example of the multilateral trend whereby personal diplomacy has increased substantially (Barston, 1997:4), that is diplomacy by heads of state or government.

The development of NEPAD has contributed to both procedural and substantial analyses of the role of multilateral diplomacy in the AU. While discussion on NEPAD is vital in terms of speculating on future diplomacy of the AU and the continent in general, this will be considered in more detail in chapter four. Firstly, the diplomacy used thus far in developing the Partnership will be analysed – an analysis that inevitably focuses on the diplomatic process.

3.5.1 Diplomacy at the Highest Level

From the outset, it should be borne in mind that NEPAD is a programme of the AU. Despite the fact that it was initially developed outside of the official mechanisms of the continental body, the nature of the diplomacy utilised during that process is still relevant to the research theme and aim of this dissertation. Analysis of NEPAD brings a fresh angle to the discussion precisely because it was shaped by diplomacy at the highest level.

The idea of developing a ‘home grown’ programme for Africa’s renewal and recovery began as early as 1999. The OAU Extraordinary Summit held in Sirte,

Libya in that year, not only gave impetus to the creation of the AU through the Sirte Declaration, but also initiated the process that would culminate in Africa's primary policy framework for economic and social development, namely NEPAD. It was here that the South African and Algerian heads of state, Presidents Mbeki and Bouteflika, were mandated to engage Africa's creditors on the total cancellation of Africa's external debt. Shortly after this President Mbeki and Nigerian President Obasanjo were nominated by the South Summit (the Non-Aligned Movement and Group of 77) in April 2000 to convey the concerns of developing countries to the North. However, it was realised that these initiatives were only part of Africa's overall development and so began the work on developing a holistic, integrated sustainable development initiative for Africa's economic and social revival involving constructive partnership between Africa and the developed world (NEPAD, 2001). From the original Millennium Partnership for the African Recovery Programme (MAP) in 1999 aimed at addressing Africa's external debt and underdevelopment, to its subsequent merger with the similar initiative by Senegal's President Wade namely the Omega Plan of 2001, the initiative became known as the New African Initiative (NAI) which was endorsed by the OAU in Lusaka in 2001. The programme was eventually finalised as NEPAD during the first meeting of the Heads of State and Government Implementation Committee in October 2001 in Abuja, Nigeria.

Proponents of the NEPAD process would assert that personal diplomacy was necessary and conducive in expediting its creation. Berridge's (1995:79) contention that decisions on vital issues could be taken quickly by actors with the highest authority, is apt in this case. African leaders themselves were thus deciding on the most vital issues for the continent. In addition, there was a perception that NEPAD would be relegated to the OAU "scrapheap" of failed programmes if it were to be managed by the AU Commission at such an early juncture of the latter's restructuring. Bearing in mind the mediocre performance of the OAU in the area of socio-economic growth and development, one cannot deny that the high profile afforded to the creation of NEPAD and the vigour with which African leaders such as Presidents Mbeki, Obasanjo and Bouteflika themselves advocated NEPAD to developed countries, contributed

tremendously to the positive global response thereto. It was symbolic that African leaders were seen as actually doing something and assuming responsibility for their continent's renewal, as well as binding themselves to their agreements in public – what Berridge (1995:82) calls “solemnising them at the highest level”. In turn, this aspect is what makes NEPAD so unique in that it was developed by Africans themselves, as opposed to previous development plans that were formulated by either the United Nations or in direct partnership with developed countries (Ubomba-Jaswa, 2002:2). The responsibility for NEPAD's success therefore lies directly with African leadership.

NEPAD and its origin also elicited criticism. The fact that heads of state and government drafted NEPAD has resulted in the claim that it is an elitist programme that has not taken into account the people it claims to serve (Ubomba-Jaswa, 2002:2). Added to this, while many refer to the mass of contemporary African leadership as wholly committed to integration and development, what happens when those leaders complete their respective terms of office? As Berridge (1995:81) notes, agreements achieved by means of summitry or negotiation amongst heads of state themselves, are to some extent personalised and therefore tend to be weakened when one of those leaders leaves office. However, one could counter that argument by highlighting the decision of the July 2003 Executive Council in Maputo to gradually integrate NEPAD into the AU within three years i.e. 2003-2006 (AU, 2003(e): EX/CL/Dec.34 (III)). This will undoubtedly entrench the Partnership as a programme of the continent with the onus on member states to implement it accordingly at all policy levels.

One of the key elements in the origin of NEPAD was the context in which Africa found itself at the time, an aspect which played a significant role in the Partnership's development, form and content. The relevance of the international context thus requires some reflection so as to better understand why NEPAD came about, why it is considered different to previous continental development plans and how it impacted on continental diplomacy.

3.5.2 The Relevance of Context

The role of the international context in which NEPAD was formulated cannot be over-emphasised. It is proof that diplomatic practice and the formulation of foreign policy need to adapt to global dynamics so as to properly address contemporary challenges (Hocking, 1995:7). The formulation and finalisation of NEPAD was essentially driven by the international context of globalisation and the latter's detrimental effects on Africa. As NEPAD outlines, the impoverishment of Africa resulted from a combination of factors including the legacy of colonialism, the Cold War, the modalities of the international economic system as well as the inadequacies of policies pursued by several African countries themselves (NEPAD, 2001:3). Coupled with numerous other factors such as weak African states and structural adjustment programmes, amongst others, the continent was entrenched in a vicious cycle of economic decline, poor governance and civil conflicts, all of which edged Africa further onto the global periphery.

However, despite the negative effects of globalisation on Africa, the creation of NEPAD can also be attributed to a new set of circumstances within the international system. As recognised by the Partnership itself, Africa is witnessing an increase in democratically elected leaders who are committed to democracy, accountable government, economic integration and development and popular participation through strengthened civil society sectors (NEPAD, 2001:5). The political will by African leaders to extract the continent from its global marginalisation appears to be genuine. "There are clear indications that for the first time African leaders might actually make a difference in their respective countries and thus in the continent as a whole (Ubomba-Jaswa, 2002:1). African countries are also making themselves more accountable by acceding to initiatives such as the African Peer Review Mechanism (APRM), which is a voluntary, self-monitoring mechanism aimed at ensuring that policies of national governments conform with set political, economic and corporate governance values, codes and standards (AU, 2002(f): ASS/AU/Decl.1(I)). Other encouraging aspects include the deeply embedded premise of partnership with the developed world, amongst African countries and other

international organisations such as the United Nations, European Union and the African RECs.

What has made NEPAD different from previous plans is that it recognises Africa's past failures and is developed and owned by Africans themselves (Oppenheimer and Mills, 2002:2). By developing a plan that takes on board current and previous conditions for development, NEPAD has clearly taken the international context into account in its formulation. The realisation that peace and development are interdependent and prerequisites for sustainable development, has culminated in a new proactive and integrated policy for the continent, i.e. NEPAD, as well as the transformation of the mechanism which will carry out its implementation, namely the AU. The international and continental context thus inspired the modalities of diplomatic practice utilised in the creation of NEPAD as well as the AU by ensuring adequate institutions and structures through which to implement NEPAD's objectives. It will no doubt continue to impact on diplomatic substance and form in future implementation.

3.6 Conclusion

As mentioned in chapter two, contemporary theories of international relations and their respective ideas and theories about diplomacy help in understanding the evolution of diplomacy into what it is today. Similarly, it is beneficial to see this evolution on the African continent and deduce whether African diplomacy is in fact emerging as a distinct area of concern to diplomatic studies. It is clear from the creation of the AU, its key organs, the PSC and the PAP, that the role of non-state actors in continental dialogue is vital for the success of the Union, both in terms of ownership and inclusiveness.

This analysis of the role of multilateral diplomacy in creating the key organs of the AU, as well as its principal development programme (NEPAD), highlights several interesting aspects of African diplomatic practice, ideas and theory. In a nutshell, these include the use of regional bloc diplomacy, the emphasis on procedure both in substance and form, the involvement of non-state actors in

the diplomatic process and the reliance on personal diplomacy to address critical issues. It becomes clear through such analyses that traditional state-dominated forms of multilateral diplomacy may be developed further to include an additional layer of diplomacy which incorporates non-state entities in global dialogue, what Wiseman (1999:4) terms polyilateral diplomacy. While multilateralism has dominated the diplomatic process thus far in the creation of the organs of the AU, it is perhaps polyilateralism that will better characterise future African diplomacy.

All of these ideas show the potential of the continent's diplomacy to adapt to various processes and issues, and evolve into something that is relevant and effective. It is this evolutionary capacity to take on new norms, substance and structures of international society that will ensure that multilateral diplomacy remains a tool for effective continental governance. Hocking (1995:17) states that diplomacy and its agents are able to be instruments of effective global governance by developing comprehensive strategies which are applicable to the policy environment of subnational or continental, national and international interests. This is particularly appropriate for African diplomacy and diplomats.

The analysis of the role of diplomacy in the creation of the key organs of the AU reveals a change in diplomatic culture on the continent. There is a palpable urgency in the efforts of African leadership to succeed in extracting the continent from its current quagmire by focusing on results and action, on partnerships with other global and non-state actors. These emerging trends in African multilateral diplomacy bode well for the future role of diplomacy in consolidating the objectives and programmes of the AU and thus to contribute to global governance through collective responsibility and accountability.

It should be recalled that the organs and policy discussed in this chapter are essentially political in nature and function. The role of multilateral diplomacy thus far has been focused on setting up the institutional and policy structures of the Union based mainly on political priorities. As a number of institutions stipulated in the Constitutive Act such as the ECOSOCC, the financial institutions, the ACJ and the STCs, have yet to be established and/or

operationalised, it is anticipated that similar analyses can be done on the styles and methods of African diplomacy and its ideas and content in future. Diplomatic processes will most probably continue to be characterised by regional consultations, geographical and gender representivity, and clear rules of procedure. Diplomatic content and context may also reflect the inclusion of the multiplicity of actors in civil society and the private sector, amongst others, in consolidating the current and outstanding AU organs which tend to be geared towards economic integration, good governance and inclusion of civil society.

Certainly the focus of diplomacy will thus shift towards promoting defined policies and policy objectives of the Union, through the latter's mechanisms responsible for political issues, matters of peace and security and sustainable development. The move from a predominantly political organisation to one focused on the promotion of economic and social development can thus be investigated in more detail, by reflecting on the best diplomatic practices for the future. This shall be the aim of the next chapter.

CHAPTER 4: PROSPECTS FOR MULTILATERAL DIPLOMACY TO CONSOLIDATE THE AFRICAN UNION

While the previous chapter illustrated the predominantly procedural nature of diplomacy in the creation of the AU, this chapter provides an opportunity to focus on the diplomatic content of the Union and consider the latter's foreign policy objectives for the future. This analysis will thus include the structures tasked with the new primary objective of the Union, namely to "promote sustainable development at the economic, social and cultural levels as well as the integration of African economies" (OAU, Constitutive Act, 2000(a): Article 3(j)). While the OAU was primarily aimed at political union and continental solidarity, the new organisation has realised the urgency of addressing peace and security and "bread and butter" issues of poverty alleviation, job creation, and sustainable economic development.

With the onslaught of globalisation and its marginalising effect on the African continent, external relations and foreign policies of African countries are currently geared primarily towards the attainment of economic necessity (Schoeman, 2006:249) – a fact which is particularly evident in the objectives of the AU through its instruments such as the Abuja Treaty and NEPAD. According to Akokpari (2002:5), Africa's foreign policies and diplomacy, especially towards countries of the global North, have been aimed at securing economic assistance and foreign aid since the end of the Cold War. While this may be partly true in terms of the ultimate end, the means to achieve that aim are quite different. Africa has taken control of its own problems so as to develop African solutions and while partnerships with the developed world are vital in doing so, this by no means implies an entrenched dependency on the latter. This chapter will conjecture the likely future diplomacy of the AU by analysing its current foreign policy objectives, drawing on the objectives stipulated in article 3 of the Constitutive Act and other fundamental policy instruments.

Related to this shift in diplomatic focus, is the paradigm shift in the very *raison d'être* of the Union itself. Whereas the OAU was centred on achieving political unity and shaking off the vestiges of colonialism, its successor was created to expedite economic union and “accelerate the political and socio-economic integration of the continent” (OAU, Constitutive Act, 2000(a): Article 3(c)). This chapter highlights this shift from political unity to economic union by identifying key policy objectives of the AU namely economic development and integration; continental good governance as a contribution to global governance and the popularisation of the AU. The priority of promoting peace and security is also a key policy objective but owing to the discussion thereof in chapter three, it will not be elaborated again here. As a logical consequence of foreign policy then, in this case the Union’s foreign policy, future diplomacy will thus be determined by those very goals, and one can better understand the premise from which diplomatic form and substance will be conducted. Analysis of the role of diplomacy in the consolidation of the AU is based on the assumption that diplomatic practice will be instrumental in the implementation of the Union’s foreign policy goals.

The paradigm shift in the diplomatic agenda of the AU has inevitably impacted on the institutional mechanisms tasked with implementing that agenda. As highlighted in chapter three, the PAP has the potential to contribute to a more transparent, inclusive method of policy making and implementation, in turn impacting on and influencing the diplomatic approaches utilised by member states and the Union. With regard to the establishment of ECOSOCC, never before have African civil society organisations had such opportunity to influence and contribute to the policy development and programmes of their continent’s primary multilateral entity. The planned establishment of the judicial organs of the Union, i.e. the Court of Justice and the African Court on Human and People’s Rights (ACHPR), will also contribute to the entrenchment of transparent and constitutional methods of work at national, regional and continental levels.

As for the policy goals of sustainable development and regional integration, the creation of STCs and the financial institutions within the infrastructure of the

AU, indicate a move towards harmonising continental programmes and projects pertaining to economic development and financial security. Again, this shift in paradigm implies a simultaneous shift in diplomatic practice and ideas. The role of diplomacy in these organs and processes will ideally be regional in character, open to other actors or experts in these fields and focused on implementation of programmes.

This chapter will also investigate the requisite diplomatic process and style to implement and achieve the goals highlighted above. It will become evident that diplomatic practice of the future is likely to concentrate on the implementation of the Union's policy programmes and objectives, thereby being more structural (Keukeleire, 2000:21), as opposed to that already utilised which was predominantly procedural in character in creating and setting up the new continental organisation. In addition, a combination of diplomatic styles will emerge including the use of regional consensus and bloc diplomacy, as well as the consolidation of public diplomacy through the involvement of civil society. These trends ultimately form Africa's contribution to the multilateral and rules-based system of global governance.

The shift towards a more accountable and active Union has clearly been made at the theoretical and political level. What remains to be seen, is the translation of that political commitment into the institutions and practices of member states and the Union itself in order to effectively implement such policy goals. The implications of this shift on the role of diplomacy will become more visible through the modalities of the Union's organs and institutions put in place to achieve the goals highlighted above. Discussion of these elements of diplomacy through the identified policy objectives will begin with the most pressing concern, namely that of economic development and integration.

4.1 Economic Diplomacy, Development and Integration

The original objective of the OAU was to promote the sovereignty and territorial integrity of its member states while liberating those states that were still under

the yoke of colonialism (Bakwesegha, 2001:8). While the OAU had undeniably contributed to the political aim of liberation, a reinvigorated union was required to address urgent needs of development and poverty alleviation through economic integration, social cohesion and political cooperation in the new millennium. It was this realisation that drove the shift in focus from political unity to economic union.

The integration of African economies aimed at the overall economic growth and development of the continent has penetrated most aspects of the policy-making environment of the AU. This trend however has a longer history than simply arising from the creation of the Union, as it was realised in the process leading to the establishment of the AEC by means of the Abuja Treaty of 1991. The objectives of the Abuja Treaty are to promote social, cultural and economic development as well as economic integration so as to “increase economic self-reliance and promote an endogenous and self-sustained development” (OAU, Article 4(1)(a), 1991). It was, and still is, envisaged that this should be achieved through the strengthening and harmonisation of the RECs – an aim that is still at the forefront of the AU’s development agenda and can be classified as one of the organisation’s primary policy objectives. With this acknowledgement in place, that the diplomatic content includes regional integration and sustainable economic development, one can begin to unpack the nature of the Union’s diplomacy that will be used to complement such policy objectives.

Inherent in the process towards integration was the recognition that the “importance of economic integration for Africa derives mainly from the opportunities it provides to expand trade, pool resources for investment, enlarge local markets and industrialise efficiently by taking advantage of economies of scale” (Cilliers, 2001: 1). In Africa’s case, the intention of integration was also politically motivated as a means to eventual political unity. The aim of creating an AEC broke away from traditional market approaches by also focusing on developing the continent’s productive capacity in key sectors (OAU, Article 4, 1991:8). The creation of the AU again entrenched the

importance of regional integration on the continent as a step to accelerating the integration process espoused in the Abuja Treaty.

The integration policy aim of the Union has direct bearing on the diplomatic process that will undoubtedly unfold on the continent – a process that is similar to Keukeleire’s (2000:1) analysis of the European Union as a diplomatic actor, in that it includes both internal diplomacy between member states as well as structural diplomacy, based on policies and partnerships between the Union and other regions of the world. Consequently, the mechanisms employed by the AU in conducting such structural diplomatic processes are most likely to be the RECs and the STCs, in an attempt to harmonise and coordinate regional and sub-regional programmes on sustainable economic and social development. More pertinent to the substance of African diplomacy, will be the implementation of NEPAD, which has implications for the diplomatic process and institutions at the continental, sub-regional and national levels in that the programmes and principles of NEPAD should guide interactions between member states, the RECs and with other partners in the world.

4.1.1 The Building Blocs of the AU

The Constitutive Act premises the AU on the accelerated implementation of the Abuja Treaty “in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization” (OAU, 2000(a):3). The role of the RECs in contributing to this premise was clearly decided by African leaders during their annual Summit in Lusaka in July 2001, where the sub-regional organisations were reaffirmed as the building blocs of the AU (OAU, 2001(b): Dec.160 (XXXVIII)). Through the coordination, harmonisation and progressive integration of activities by individual African countries through the RECs of which they are members, it is envisaged that the AEC will finally be realised and in turn be guided by decisions of the Union in areas of common interest. In this way, the actual implementation of the regional integration process remains the responsibility of member states themselves. This responsibility is clearly articulated in Article 5 of the Abuja

Treaty (1991:9) which commits member states to creating favourable conditions for the development of the AEC and the attainment of its objectives, particularly by harmonising their strategies and policies.

Future diplomatic practice within the Union will in all likelihood focus on rationalising and harmonising the RECs in light of their various levels of development and the multiple or overlapping membership of several African countries to more than one REC. As recognised by the Third African Development Forum held in Addis Ababa (ADF, Consensus Statement, 2002: 4), there is a need to align the RECs with the geographical regions of the AU. This synchronisation is also suggested in the Strategic Framework of the AU Commission (AU, 2004(h):29), as presented by the Chairperson of the AU Commission to the Third Ordinary Session of the AU Assembly in July 2004, in that the RECs should be harmonised and rationalised to enable them to play a meaningful role as pillars of integration, allowing the evolution of the RECs towards credible regional integration communities.

In terms of process, efforts by the AU to finalise a protocol to govern relations between itself and the RECs, point to an element of codifying diplomatic practice between them. The Draft Protocol aims to formalise, consolidate and promote closer cooperation among the RECs, and between them and the AU, through coordinating and harmonising policies, measures, programmes and activities in all fields and sectors (AU, 2004(b): Article 3 (h)). Inherent in such instruments and foreign policies of African states is what Van Nieuwkerk (2001:1) terms the “lure of regionalism” or the belief in regional cooperation and integration as a means to advance common political, economic or security interests. In this manner, states can collectively respond to globalisation by using regionalism not simply to defend against globalising forces, but to participate in the international economy through the harmonisation and implementation of policies on trade, investment, movement of people and transport (Cilliers, 2001:2).

Despite the vision of using the RECs as building blocs towards greater integration and economic and political union, the expected benefits normally

associated with regionalism have not been forthcoming. Problems such as the lack of institutional structures to coordinate, harmonise and monitor implementation of activities and decisions by the RECs remain obstacles to enhanced growth and development in Africa's regions, and in turn, within the entire continent. The lack of resources and low capacity to deliver on ambitious mandates also contributes to slow pace of integration and growth by the RECs (UNECA, 2002:8). Therefore, diplomacy by African states themselves and by the regional bodies to which they belong, would manifest in addressing such challenges, combined with ways and means of meeting the high expectations to deliver on the Abuja Treaty mandate. Diplomacy would be an instrument to harmonise policies and infrastructures amongst members of each REC and in turn between the RECs themselves.

Judging by diplomatic processes in creating the organs of the AU, it would appear that African countries will continue to maintain the internal diplomatic approach by cooperating with neighbours on various sectoral issues relating to economic growth and integration, while also keeping in mind the various policy frameworks provided by the AU.

4.1.2 The Specialised Technical Committees

Other mechanisms through which the policies of the AU will be implemented and which, by implication, will impact on the diplomatic methods and styles of the organisation and its member states are the STCs. Article 14 of the Constitutive Act (OAU, 2000(a):10) provides for the establishment of seven STCs which would be the actual implementing agents of the Union's projects and programmes in key clusters, namely:

- Rural Economy and Agricultural Matters;
- Monetary and Financial Affairs;
- Trade, Customs and Immigration Matters;
- Industry, Science and Technology, Energy, Natural Resources and Environment;
- Transport, Communications and Tourism;

- Health, Labour and Social Affairs; and
- Education, Culture and Human Resources.

The role of the STCs is considered vital in the programmatic implementation of the Union's policies and frameworks, as they will be sectorally based and composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence (OAU, Constitutive Act, 2000(a):10). Within the period covered by this research, the STCs had not yet been formally operationalised but await the outcome of the AU Commission study, which was expected to be completed in 2004. The delays by the Commission in completing and presenting the study have resulted in several sectors on the continent organising themselves at ministerial level to coordinate common African positions and programmes in various areas. Some examples include the African Mining Partnership (AMP); Committee of Ministers of Public Service and Administration; Ministerial Conference on Science and Technology; African Ministers' Council on Water (AMCOW); African Ministers of Conservation and Environment (AMCEN); and the African Population Commission (APC). It is hoped that the STCs will ultimately subsume these processes as programmes of the AU.

Following the brief background on the status of the establishment of the STCs, the implications thereof on the style of diplomacy likely to evolve accordingly need some reflection. At a procedural level, the study on the operationalisation of the STCs will eventually be considered by member states and the various existing ministerial conferences as mentioned earlier. The large number of sectors on the continent, and the differences between regions regarding the responsible ministries dealing with such sectors, have as a result that negotiations on the STCs can be expected to be regional and involving associative diplomacy – the latter of which occurs where links are established between actors that go beyond the traditional foreign relations (Barston, 1997:116). In addition, the number of diplomatic actors will probably increase due to the enhanced role envisaged by sectoral ministries of African countries. Moreover, traditional diplomatic roles by foreign ministries may be supplemented by the participation of experts and technocrats on specific issues

of trade, finance, agriculture and so forth. Ultimately, however, policy recommendations made by the STCs will feed into the primary policy organs of the Union namely the Executive Council and the Assembly.

From a substantive viewpoint, the STCs are expected to drive the actual implementation of the AU programmes in the various sectors, particularly within the NEPAD framework. In this way, NEPAD programmes will become firmly entrenched within AU activities – something which has been lacking since the adoption of the Partnership by the AU in 2002. The foreign policy objectives of African countries, of the RECs, and ultimately of the Union will in future be geared towards the implementation of NEPAD as a means of enhancing “regional development and economic integration on the continent, in order to improve international competitiveness” (NEPAD, 2001:34).

4.1.3 Implications for Diplomacy

The implications of these continental policy objectives on diplomatic processes and practices by individual African states are significant. Using the RECs as the basis for regional integration, African states are expected to gear their diplomacy towards regional bloc diplomacy in attaining the said objectives, aligning themselves with like-minded partners in predominantly developmental sectors such as trade and industry, agriculture, finance, transport and energy (OAU, 1991:Article 6). Coalitions will be formed so as to facilitate the exchange of views and to coordinate collective positions (Leigh-Phippard, 1996:2) – a customary practice by the AU regional groupings on most issues. There has already been a recognition by African governments that “closer regional cooperation is necessary for development” (Cobb, 2004:41).

Another more quantitative implication of the integration objective on continental diplomatic practice relates to the increase in sectoral processes by African ministries. This has resulted in the diplomatic function cross-cutting most national ministries, allowing bureaucrats of line function ministries to represent their countries on a continental level as experts in specific fields. This

proliferation of diplomatic actors has had implications on African foreign ministries as the primary conductors of foreign policy. Within a global context Barston (1997:9) submits that foreign ministries have had to deal with a “fragmentation of responsibility” for foreign policy decisions due to the diverse and often technical nature of the diplomatic agenda. In turn this has resulted in the decentralisation of control in this field, often leading to a lack of coordination amongst different ministries and the diplomats on the ground. This holds true in the African context as well where the traditionally distinct professions of diplomats, economists and human rights lawyers amongst others are increasingly blurred and interrelated.

At the continental level, multilateral diplomacy has, and will in all likelihood continue to be, characterised by transgovernmental relations. The latter refers to “direct contacts, consultations and negotiations between parts of a government, between departments and their respective ministers or bureaucrats” (Reychler, 1996:2). This is evident in the contacts between the AU Commission and respective ministries in coordinating sectoral meetings on science and technology, trade and industry, education and health, to name but a few. It is also a sign of things to come in consolidating the STCs once the latter are formally operationalised, thereby strengthening coordination between the continental body and individual government sectors. Sector Ministers and bureaucrats will become more involved in foreign affairs on the continent in order to drive developmental processes specific to their individual sectors. The list of sectoral Ministerial meetings listed in section 4.1.2 attests to this fact.

Linked to the structural changes in diplomatic practice on the continent in response to the Union’s new policy objectives is the role of focal points within individual governments responsible for coordinating the implementation of NEPAD projects and programmes (Chikwanha, 2007:8). This is proof of a continental policy cascading down into national structures.

4.2 Good Governance as a Foreign Policy Objective

The question of good governance has been brought to the fore as a diplomatic issue with the creation of the AU and its respective organs. The Union's role in ensuring that its members democratise will be vital in creating conditions that are conducive to development, economic growth, security and stability. As Nkosi (2002:33) admits, this will be a difficult task in light of several concerning practices by some member countries such as continued human rights abuses, changing of constitutions to lengthen presidential terms of office, and postponement of elections amongst others. Regardless, the commitment towards promoting and protecting human rights, consolidating a democratic culture and the rule of law will remain a policy direction for the continent. It is a well-recognised principle that good governance is essential for the political and economic transformation of Africa, and good governance in turn is primarily dependant on nurturing democracy (Amoako, 1998:155). It is hoped that the institutional machinery that accompanies such commitment will go further in entrenching democratic practices and mindsets.

The significance of good governance in the overall development on the continent is an aspect that is clearly acknowledged in the Constitutive Act of the AU, and thus the policy objectives of the organisation. The Preamble highlights the importance of the promotion and protection of human rights, the consolidation of democratic institutions and culture and ensuring good governance and the rule of law (OAU, 2000(a):4). These principles and objectives are indicative of Africa's broader "comprehensive transformation, reform and renewal strategy that has as its over-arching objective to break the vicious cycle of political instability, to address the lack of a human rights culture, to end poverty and underdevelopment, and to improve Africa's capacity to defend and advance its own interests as countries, regional blocs and as an All-African project in the global arena" (Van der Merwe, 2004:3).

Linked to the promotion of good governance and democracy are the perceived benefits of enhanced economic and social development on the continent. However, as Stols (2003:2) affirms, the link between democracy and

development has been subject to ongoing debate in an effort to determine whether the former actually results in the latter. It is generally acknowledged that adherence to democratic processes alone does not necessarily mean a consolidation of democracy, the latter of which also requires democratic content such as accountability and transparency (Stols, 2003:2). However, in the African context, it is vital that democratic processes and content are entrenched in government systems so as to promote strong, capable states and an African democratic culture throughout the continent, thereby creating a conducive environment for economic and social development and withstanding the “threat of internal decay and collapse, unfettered external exploitation and a loss of autonomy to the dictates of international financial institutions and international capital” (Schoeman, 2006:261).

Stols (2003:3) states that the emergence of a good governance agenda for the continent marks a shift in focus on strengthening “African governmental authorities, institutions, political leaders, private sectors and civil societies” – all elements over which the continent has a measure of control. This agenda needs to be unpacked in order to ascertain governance objectives of the AU as well as their implications for diplomatic practice and ideas. As will become evident, the efforts of the AU in consolidating democracy and good governance have thus far been mainly procedural and institutional in nature through the establishment of the PAP, and legal instruments aimed at creating a judicial infrastructure, at guiding elections on the continent and at promoting human rights. In addition, the APRM has marked a watershed in the political will of African governments to be transparent and accountable.

4.2.1 The Good Governance Machinery

The AU marks a departure from its predecessor in that it promotes specific rights and values such as gender equality, democratic principles, rule of law, social justice, balanced economic development, and condemnation of unconstitutional changes in government (Eno, 2002:6). As Eno (2002:6) observes, these tenets of democracy were regarded as secondary in the old

order of the OAU where decolonisation and the dismantling of apartheid were the focus of the organisation. Currently, from the human rights angle, instruments such as the African Charter on Human and People's Rights, its Protocols on the Rights of Women and an ACHPR, and the Charter on the Rights and Welfare of the Child, all aim to protect and promote the rights of vulnerable groups of African society. The African Commission on Human and People's Rights was established in 1987 to drive the implementation of the Charter itself, pointing to the acknowledgement by African countries of the need for institution building to implement and monitor political commitments.

Parts of the AU machinery that fall within the ambit of promoting good governance on the continent are the judicial organs which currently consist of the ACHPR and the ACJ. Efforts are underway to integrate the two bodies to form one judicial organ of the Union. In addition, the Union is considering the Draft Charter on Elections, Democracy and Good Governance which aims to provide guidelines for member states to conduct democratic elections. Once approved and entered into force, the Charter will bind state parties thereby promoting democracy and constitutionalism.

Another significant element of the Union's policy objective of good governance is the APRM, which was adopted by the AU Assembly in Durban in July 2002. The Mechanism is a self-monitoring initiative for good governance voluntarily acceded to by AU member states (APRM Country Review Report No.5 Republic of South Africa, 2007: 1). The APRM is perhaps the most unique aspect of the AU's good governance machinery. For the first time in African history, countries willingly open themselves to assessment and review, by fellow AU member states, in their modes of political, economic and corporate governance and socio-economic development. By the end of September 2007, 27 countries had acceded to the APRM while five of those had undergone peer review namely Ghana, Rwanda, Kenya, Algeria and South Africa (Chikwanha, 2007:4). By the beginning of 2009, an additional two countries had acceded to the Mechanism. A study was conducted by the Institute for Human Rights and Development in Africa during 2004 reviewing eight APRM countries in order to assess the progress made by those countries in implement the AU standards to

which they committed themselves as well as the human rights commitments in each country (ISS, 2004). While the study revealed certain problems in some countries related to human rights violations, in general the willingness to create national institutions to address such violations was visible and human rights trends on the continent were improving in the reviewed countries.

However, as Chikwanha (2007:2) admits, the APRM still faces challenges including the achievement of meaningful progress if African leaders and governments remain the sole “gate-keepers” of the process, together with limited implementation capacity by the peer review countries and lack of financial resources to conduct reviews. Added to this is the difficult task of translating continental values into national values and commitments. Despite the challenges, the countries that have undergone the peer review process provide valuable information to perfect the process for future signatories to the Mechanism. The APRM is “proving to be a positive experience in democratic institution building that will yield benefits in stimulating change in the governance and political culture on the continent” (Chikwanha, 2007:11)

There certainly is no lack of institutional and legal commitment to promote the principles of democracy and good governance on the continent. Ensuring that this framework does not remain mere lip service and that its objectives are implemented and entrenched in member states is the monumental task of AU member states and their diplomats would thus need to be guided by these objectives in conducting multilateral diplomacy.

4.2.2 Implications for Diplomatic Practice and Institutions

What are the implications then on the diplomacy of the AU of its good governance objective? In terms of diplomatic process, the customary elements of multilateral diplomacy will prevail, particularly relating to diplomacy through coalitions and regional caucuses. It is furthermore highly unlikely that consensus style decision making, throughout the rules of procedure of all AU organs including organs such as the PAP, ECOSOCC and the merged Court,

will make way for any other form. This is partly due to the fact that the prospects for legally formalised consensus decisions to be honoured are much better in multilateral diplomacy, especially where issues are complex and “when speed of decision is of the essence” (Berridge, 1995:57). The multitude of issues being discussed by the AU requires speedy yet collective and sustainable decision-making.

A unique element emerging in African diplomacy which relates specifically to the promotion of democracy and good governance on the continent is the firm application of the Lomé Declaration on the OAU Response to Unconstitutional Changes in Government (2000), which the AU incorporated into the Constitutive Act (OAU, 2000(a), Article 4), namely to condemn and reject unconstitutional changes in government. Madagascar (2000), Togo (2005) and Mauritania (2005) felt the weighty commitment of AU leaders in this regard when they were suspended and through the use of diplomatic envoys and multilateral pressure were subsequently allowed re-entry into the AU after reverting to transparent and fair elections and democratic principles. The use of special AU envoys to facilitate the return to constitutional forms of government is a direct spin-off from the political commitment to good governance and indicates an institutional and normative role played by AU diplomacy.

The role of the AU in ensuring that member states implement commitments to good governance has shifted the continent’s preoccupation with the principle of non-interference to the responsibility to intervene in respect of grave circumstances such as war crimes, genocide and crimes against humanity (OAU, Constitutive Act, 2000(a): article 4). By being the first inter-governmental organisation that has the Responsibility to Protect norm addressed in its charter, the AU has contributed to global normative trend-setting. It furthermore highlights the importance of African diplomats being fully proficient in negotiation and conflict resolution as well as being knowledgeable in the areas of good governance, institution-building, constitutionalism and socio-economic development. It can be argued that the good governance

objective encourages the multilayered or polylateral dimension of African multilateral diplomacy, as well as an emphasis on preventive diplomacy.

The APRM has also entrenched the use of diplomacy at the highest level namely by Heads of State or Government themselves. NEPAD and the APRM are clear products of Summit level diplomacy, both within the AU and with the rest of the world. As Cilliers (2002: 6) indicates, without the leadership of the key proponents of NEPAD such as Presidents Mbeki and Obasanjo, NEPAD would have become marginalised by the countries of the North after September 11, 2001. Through diplomacy by African leaders, Africa remained on the global agenda. Even more so, “NEPAD has spurred action within the AU” (Cilliers, 2002:6) with it being formally adopted as an AU blueprint for development and entrenched throughout continental programmes. One potential disadvantage of Heads of State diplomacy, however, is the longevity of their initiated programmes in light of their own limited terms in office. One hopes that achieving the objectives of good governance programmes, such as the APRM, is more about the policy itself than the people who crafted it, thereby consolidating African policy diplomacy and policy.

4.3 Public Diplomacy for Africa: Popularisation of the AU

Another vital element of the Union’s policy approach will include the popularisation of the AU amongst the African peoples themselves. “Familiarising and selling the union to ordinary Africans has been one of the most challenging tasks” (Nkosi, 2002:30), and will continue to be throughout the Union’s formative years. Recognising the importance of popular participation in the work of the AU is one of the areas that clearly differentiates it from its predecessor which was often viewed as an “old boys club” of African leaders. The commitment towards this goal is evident in the Constitutive Act which stipulates the establishment of the PAP as well as the ECOSOCC to ensure the “full participation of African peoples” (OAU, 2000(a): Article 17) and to include “different social and professional groups” of African countries (OAU, 2000: Article 21). It is thus safe to assume that the role of civil society and African

peoples in the consolidation of the AU will continue to be one of the organisation's fundamental policy focuses, in order to ensure ownership and inclusiveness in continental programmes.

One of the primary reasons which motivated the establishment of the AU was the need to make the continental organisation more relevant to the needs of all African people (OAU, Sirte Declaration, 1999: Article 6) implying a shift towards more people-centred development. This human element was further entrenched in the Preamble and objectives of the Constitutive Act (OAU, 2000(a):3) where African leaders recognised the importance of building partnerships between governments and all segments of civil society to strengthen the solidarity and cohesion among the peoples of Africa. Popularising the AU thus became one of its key focus areas and remains one of the biggest challenges in consolidating the Union, its policies and programmes. This objective has also been one of the major differences between the Union and its predecessor where the latter was believed to neglect civil and grassroots involvement (Bakwesegha, 2001:30). The AU however places a heavy emphasis on popular participation both in its policies and in its new institutions such as the ECOSOCC and the PAP. In fact, the latter two bodies form the principal channels of civil society engagement with the AU. The role of future diplomacy can be examined in light of the implementation of this policy objective through these respective bodies.

A related issue that will be addressed within the broader framework of the objective of popularising the AU includes the mainstreaming of gender throughout the institutions, processes and programmes of the Union. The impact of gender mainstreaming on the role of diplomacy is evident in both procedural and substantial aspects of the Union. Gender equality has not featured prominently in the policies, programmes and institutional framework of the continental organisation, that is until the appointment of the new Commissioners within the AU Commission in July 2003 following the 50% rule where member states agreed that half of the Commission's top management should be women (AU, 2002(c):6). Prior to this, mention of gender equality, equity and empowerment was essentially lip service.

These policy objectives need to be unpacked in order to realise their importance in making the continental organisation relevant and real to the people that it purports to represent. Exactly how the implementation and fulfilment of such objectives is envisaged can then point one in the right direction as to what future diplomatic practice and ideas on the continent are likely to entail, both in terms of process and substance.

4.3.1 The Policy Objectives

During the early 1990s, African leaders began to acknowledge the importance of the role of grassroots and civil society organisations in the socio-economic development of the continent. Besides the role of such organisations in emancipating African people politically and economically, it was felt that their resources, expertise and energies should further be used to complement the efforts of AU member states. In an effort to “assist in promoting a home-grown African civil society and to enhance its contribution to the fulfilment of the Union’s mission” (Sturman and Cilliers, 2003:73), the former OAU held two civil society conferences between June 2001 and June 2002. These conferences greatly facilitated the inputs of non-governmental organisations to the processes of establishing the ECOSOCC and managing cooperation between such bodies and the AU. In this way, civil society played a part in determining the structures and processes through which their future interaction with and relevance to the AU would manifest themselves.

Much hope of fulfilling the policy objective of popularising the AU, and increasing its relevance to the people of Africa, lies in the creation and work of the ECOSOCC. According to the Statutes of the ECOSOCC (AU, 2004(c): Article 2), its objectives are to strengthen the capacities of African civil society and in turn strengthen partnerships between governments and all segments of civil society. The ECOSOCC is also envisaged as promoting the participation of African civil society in implementing AU policies and programmes thereby enhancing a culture of good governance, popular participation and gender

equality across the continent. The ECOSOCC Statutes (2004(c)) provide for 150 civil society organisations made up of two from AU member states, ten operating at the regional level, twenty from the African Diaspora and six as nominated by the AU Commission in an *ex-officio* capacity. As an advisory body only, the Council will advise on ways and means of implementing the AU's objectives and policies in various sectors and conduct studies in this regard. Linking the ECOSOCC directly to the policy objective under discussion, Article 7 (4) of the Statutes states that the Council shall contribute "to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union".

The creation of the ECOSOCC represents a watershed in relations between the AU and civil society on the continent, in part because it is the first legislated body included in the AU that is composed of non-state actors. The activist role played by many NGOs may stimulate debate and new approaches to critical issues of governance, development, poverty reduction, health and human rights amongst others. As Sturman and Cilliers (2003:77) state, the power of the ECOSOCC lies in the fact that it has the right to be heard by member states, as an organ of the AU. In addition, the role of the ECOSOCC is expected to entrench gender mainstreaming within the continental organisation and its programmes through its membership which has to comprise of fifty percent women.

This brings one to a vital element in popularising the AU and ensuring popular participation in its programmes and policies, namely highlighting the role of women in Africa. Much has been documented on the problems confronting African women in all aspects of society, be it limited access to the economy or land, education and training, health services and the disproportionate suffering of women in conflict situations. However, many responses to these challenges have remained at the rhetorical level. Ironically, the continental organisation renowned for its chauvinist attitude against women, recorded a first in formally adopting the principle of gender parity within its new Commission (AU, 2004(c):2) resulting in the election of five female Commissioners out of a total of ten. As recognised in the Solemn Declaration on Gender Equality in Africa

(AU, 2004(a):1), such parity does not yet exist in any other continent or regional organisation, and it is hoped that this decision will help to entrench gender equality throughout AU programmes and structures.

Achieving the policy objective of popularising the AU and building strong partnerships with all segments of civil society will need to recognise and promote the empowerment of women in the overall development of the continent. This is particularly pertinent when acknowledging that approximately 84% of all African women in the non-agricultural sector are employed in the informal sector while the agricultural sector remains the primary source of employment (Sturman and Cilliers, 2003:78). The AU's engagement with African civil society will thus have to take into account these dynamics if such engagement is aimed at fully integrating all segments of African society.

It is also important to note structural changes made within the AU Commission to address this policy objective of popularising the Union. The former CSSDCA Unit was transformed into the African Citizen Directorate, or CIDO, which focuses on the participation of African civil society and Diaspora organisations in programmes of the AU. This Unit acts as the Secretariat for ECOSOCC and coordinates civil society interactions with the AU and highlights the role of the AU Commission in defining the nature and process of diplomacy or relations between the AU and civil society. Through the CIDO, an annual conference of African civil society groups was developed in 2001 which was followed by similar conferences prior to each AU Summit. These have contributed to a wider knowledge of AU programmes within the civil society sector (Tieku, 2007:33) while engagements with the intellectual and Diaspora communities in October 2004 have similarly created awareness on AU activities.

Having briefly outlined the policy objectives of the AU in this regard and the institutions to fulfil these mandates, the implementation of these goals will be examined, in particular, through the use of diplomacy as a tool of such policy.

4.3.2 Multilateral Diplomacy as a Policy Tool

Possibly the greatest impact on diplomatic practice of the objective to popularise the AU will again be the increase in the number of diplomatic actors and non-state actors that influence the diplomatic agenda. With an increase in public interest and activity in the domain of continental and global politics, more and more interest groups and non-governmental organisations (NGOs) are making their way onto the global stage. The “invasion” of new issues (Marshall, 1997:11), ranging from the environment, human rights and weapons control to development, humanitarian aid and international finance, has induced the emergence of numerous groups lobbying around those very issues. The recognition of the role of non-governmental groups towards the continent’s development agenda manifests itself clearly through the ECOSOCC, albeit only in an advisory capacity. More broadly, there is a realisation on the continent that multilateral diplomacy combined with poly lateralism allows for more comprehensive agreement and action, by including relevant stakeholders from across the board.

Hocking (1995:7) terms this ability of individuals and groups to operate on the international stage separate from the state as ‘citizen diplomacy’ – which is beginning to have an impact on AU diplomacy, particularly relating to the implementation of the policy objective of popularising the organisation. By involving people through the ECOSOCC and the PAP, the AU can begin to style its citizen-oriented diplomacy. This is however from the organisation’s perspective and the strength or viability of the new people-focused structures remains dependent on the members that constitute them. It will be interesting to monitor how member states approach this new kind of diplomacy, whether they resist, co-opt or cooperate with non-state actors (Wiseman, 1999:2) in dealing with the continental organisation.

4.4 Conclusion

Analysis of the future role of multilateral diplomacy within the AU would be two-fold in that it would focus firstly on internal diplomacy, which lies at the basis of the integration process as it refers to the “mutual relationships among member states” (Keukeleire, 2000:29). On the other hand will be structural diplomacy which pertains to the strategies and partnerships the AU has with the rest of the world (Keukeleire, 2000:2) and which can thus only be analysed in terms of benefits for the continent in the longer term. Essentially the diplomacy practised between member states of the Union feeds directly into that conducted by the entire Union with external partners of the continent. It is hoped that this will ultimately lead to the formulation of national policies based on continental parameters laid down by the AU policy framework, thereby situating bilateral relations between African countries in a “structured framework” (Keukeleire, 2000:4).

For geographical, historical and political reasons, amongst others, it is unlikely that future bilateral diplomacy between AU member states will change from using the RECs as the basis for caucusing and consensus building prior to multilateral deliberations at the continental level. It is at this level of interaction between the AU member states that various forms of diplomatic practice such as economic, public and personal diplomacy will manifest themselves in pursuance of the key policy objectives of the Union as highlighted in this chapter.

Based on the objectives of the Abuja Treaty and the goals of economic integration on the continent, African diplomats are increasingly required to possess knowledge of international trade and economics so as to monitor and report on economic policies of other countries (Saner and Yiu, 2001: 11). Work towards the AU’s economic integration milestones, such as a common market by 2023 and monetary union by 2028, dictates this, albeit necessary that the RECs firstly achieve these milestones at the regional level prior to achieving the continental goals. The predominance of economic diplomacy is discussed further in the concluding chapter and for now it is sufficient to acknowledge that

AU diplomatic practice will focus on international trade and economics if it is to achieve the regional economic integration policy objective. Furthermore, member states would need to consolidate their continental positions through intra-continental diplomacy in order to better conduct structural diplomacy with external players such as the European Union and in organisations such as the World Trade Organisation (WTO). The lack of expertise in actual trade negotiation has long been the Achilles heel of the continent leading to less than advantageous trade policies with external players (AU, 2004(d)).

AU diplomacy can be expected to be more public in nature due to the emphasis on popularising the Union and its programmes. The proliferation of non-state actors and interest groups and their impact on the AU agenda is a significant variable in ensuring that this policy objective is met through future AU diplomacy. The value of the Union will depend on the extent to which it remains relevant to all African people.

These emerging trends in diplomatic practice of the Union are by no means exhaustive and have been highlighted specifically in terms of serving the purpose of implementing the stated policy objectives of regional economic integration, popularisation of the Union and consolidating good governance in Africa. Chapter five will take this analysis further by making general observations and drawing several conclusions on the role of multilateral diplomacy in consolidating the AU. The Union's role in defining the nature of African diplomacy will be considered together with the value and utility of diplomatic styles and methods used by the Union and its member states.

CHAPTER 5: EVALUATING THE ROLE OF MULTILATERAL DIPLOMACY IN THE AFRICAN UNION

5.1 Introduction

It will be recalled that the primary research question addressed in this dissertation is what role multilateral diplomacy has played in building and operationalising the AU. Its aims were to consider whether multilateral diplomacy has contributed positively to the creation of the AU and whether it has the potential further to consolidate the Union as well as Africa's socio-economic and political renewal. The dissertation has analysed both the multilateral diplomacy already utilised, particularly during the creation of the Union's key organs, and the prospects for multilateral diplomacy in entrenching the Union through implementation of its foreign policy objectives. Intrinsic in the analysis is the supposition that the AU has contributed to the field of African diplomacy. However, drawing on the observations about trends that have emerged in the nature of diplomacy utilised to create the Union, it is important to pose the question of whether or not there is such a field as "African diplomacy" unique from other diplomatic styles or fields?

This chapter will explore the value of the diplomatic styles, methods and procedures employed in constructing the AU thus far, and in turn, their implications on defining or contributing to the domain of African diplomacy. Based on the analysis in the preceding chapters, emerging trends in the Union's diplomacy will be highlighted within the context of their utility and value in achieving the AU's objectives and agenda. The evaluation will then move on to make an assessment of the challenges faced by the AU as this directly impacts on the focus and route of its diplomatic form and substance.

Finally, this chapter will consider the normative aspects of diplomacy within the Union or how different styles and methods of diplomacy could or ought to be used more effectively to bring about the consolidation of the Union. Aspects such as the inclusion of civil society and the private sector in the drafting and implementation of continental programmes will feature, as will the role of

diplomacy in ensuring a competent, qualified and committed Commission of the Union (Ndi-Zambo, 2001:39) towards driving implementation of AU commitments.

On the whole, this chapter will attempt to provide recommendations for effective diplomacy in the future of the AU taking into account the role of the organisation in contributing to and influencing the nature of continental diplomacy.

5.2 Emerging Diplomatic Trends in the AU

Using the theoretical framework outlined in chapter two, it is important to consider the emerging diplomatic trends in the creation and consolidation of the AU in terms of both procedural and substantive elements.

In terms of procedure, the AU is the hub of African multilateral diplomatic practice where all African member states, regardless of size, are continental players. Without stating the obvious, diplomatic procedure within the Union has and will continue to be dominated by questions of venue, participation, agenda setting and consensus-style decision making – all elements of multilateral diplomacy (Berridge, 1995:62).

Particularly significant in this context though is the decision-making process in the Union that is by consensus on all matters except those of a procedural nature. As indicated in section 2.4, consensus epitomises the fundamental value of unity within the AU. The notion of African unity was synonymous with the continent's struggle for decolonisation and liberation, and has continued to influence the course of African diplomacy (Anyaoku, 1999:4) and penetrated the rules of procedure of the AU. As was evident in the tricky negotiations regarding the Statutes of the AU Commission and number of new Commissioners and portfolios, member states resorted to protracted debates, sub-committees and corridor diplomacy to reach a consensus, avoiding a vote at all costs. In four years of attending various AU conferences and processes, the author never witnessed an issue being voted upon, a clear signal of the symbolic nature of consensus in the continental organization. The value of

consensus decisions cannot be understated in the AU context, particularly due to the vast political, economic, cultural and legal differences amongst its member states. Decisions by consensus at least allow for collective responses to Africa's challenges.

Another major trend in the diplomatic practice of the Union is the multiplicity of actors, so characteristic of polyilateralism. AU member states have acknowledged that the involvement of all sectors of African society, notably political parties, civil society and the private sector (Ndi-Zambo, 2001:29), can only contribute to the success of the AU project. Through the PAP, the ECOSOCC and the future financial institutions of the AU, the organisation is expressing commitment to expanding its diplomacy to incorporate these various sectors into continental policy making and programmes.

Also in the procedural context, the importance of certain issues on the African agenda can be seen in various emphases within African foreign ministries. With the broad and cross-cutting work programme of the Union, as well as the inter-related nature of economic and political matters, the emphasis on implementing the African agenda particularly in terms of peace and security and continental integration, is visible throughout many foreign services, with specific sections, even separate ministries responsible for AU activities and policy. These are all efforts at producing comprehensive foreign policy by individual member states within the Union context. Examples where countries have dedicated entire Ministry of Foreign Affairs branches or directorates to be responsible for the AU include Algeria, Mali, South Africa, Egypt and Libya, amongst others. Interestingly these member states, except Mali, are also the major contributors to the Union's budget and thus have the resources and capacities to invest in the success of the Union (Kane and Mbelle, 2007:18). Similarly, some countries have also included the implementation of NEPAD into their respective ministries responsible for continental issues with established NEPAD focal points in Senegal, Ghana, Rwanda, Kenya and Nigeria to name a few (Chikwanha, 2007:8).

A further trend that straddles both the procedural and substantive elements of diplomacy in the AU relates to the achievement of peace and security. Diplomatic practice in this context is conducted primarily through mediation. As Zartman (2003:1) states, most of Africa's conflicts have been placed on the road to resolution through African diplomacy characterised by mediation from within or outside Africa. As he points out, African states are, or have been, mediators in Burundi, Congo, Liberia and Sudan while France mediated in Cote d'Ivoire and the United States was involved in Angola and Liberia to varying degrees. The principle of African responsibility for finding solutions to African problems has in essence begun to manifest in diplomatic form and content in the continent.

Linked to this, states Zartman (2003:2), is the culture of negotiation that exists in Africa. Negotiation has been a key element in African diplomacy since its struggle for independence and decolonization and has been vital in determining contemporary political practice by African states. Inherent in this culture however is that African states' negotiating "often errs in overaccommodation rather than in overintransigence" (Zartman, 2003:2). This is evident if one considers the number of agreements between conflicting parties, AU treaties and conventions and the limited compliance thereof. With the 'solidarity and unity at all costs' motto, African states are able to negotiate on issues but implementation of those agreements and commitments is found wanting. Perhaps this is where future African diplomacy needs to focus its attention and actively promote implementation of projects by member states.

The impact of African leadership and personalities in shaping the direction and character of the AU is also particularly significant. This assertion manifested itself both in the role of the respective chairpersons of the OAU and AU, as well as the Secretaries-General of the OAU and subsequently the Chairperson of the AU Commission. Togo and Zambia chaired the continental organisation during the period 2000 to 2002, leading up to the establishment of the AU – both countries had limited impact on the influence of member states driving AU processes and activities. South Africa and Mozambique then conducted their chairing tenures on a new trajectory from 2002 to 2004, focusing on the

operationalisation of the AU organs and bringing the influence of the AU back into the ambit of member states themselves. Traditionally, the OAU Secretariat initiated and drove continental processes and programmes, steering member states into pre-determined directions. This changed during the OAU Summit in Lusaka in 2001 when African leaders placed a clear responsibility on member states to drive the transition from the OAU to the AU (Short, 2008). The Secretariat was directed to consult with member states on all activities related to the transition, resulting in renewed diplomatic activity by AU countries in strengthening regional consultations, closer involvement and monitoring of Secretariat/Commission operations and generally asserting their roles in the continent's development and future. Unfortunately, the pendulum seemed to swing back into the Commission's sphere of influence during the tenures of Nigeria and subsequent chairs of the Union, with little focus on solidifying the institutional framework of the Union.

In terms of the substantive elements of the emerging diplomatic trends, the major inclination for Union members is to conduct regional bloc diplomacy or caucus first through their respective regions on substantive issues. This was highlighted both in chapters three and four and will probably continue to form the basis of engagements between countries of the AU. As concerns the RECs specifically, the former Commonwealth Secretary-General, Chief Emeka Anyaoku (1999:9) underscored the need for Africa to make fundamental restructuring of the economic system to avoid the economic crisis in which it found itself during the 1970s and 1980s. And this should begin at home by making the current RECs real and effective vehicles for economic integration. As indicated in chapter four, the paradigm shift from political unity to economic integration attests to the Union's efforts in this regard. Lobbying done in AU organs is based on positions already agreed upon at the regional level. "African diplomacy is personal diplomacy among chiefs, and the regional organizations are their council" (Zartman, 2003:2). This is a highly utilitarian element of African diplomacy, conveniently summarising 53 country positions into five regional approaches, thereby facilitating a common continental stance.

Perhaps the most significant, and potentially valuable, trend in African diplomacy relates to the organisation's principles outlined in articles 4(h) and (m) of the (OAU, 2000(a)) namely the respect for democratic principles, human rights, the rule of law and good governance as well as the notion of intervention in member states in respect of grave circumstances. These principles will place an enormous responsibility and great expectations on the diplomacy used for their implementation. In addition, it is one of the primary principles of the AU that will determine its credibility and hence its success. For these reasons, this issue will be considered in more detail below in section 5.4 on the evaluation of normative diplomacy.

One question that needs to be answered before further considering how the creation of the AU, and its consolidation, has contributed to the nature of African diplomacy, is whether or not the latter exists as a unique field or style of diplomacy in both practice and content. This chapter has thus far used the term African diplomacy synonymously with AU diplomacy, yet an explanation of this supposition is necessary. What constitutes African diplomacy and is it essentially only about diplomacy conducted in the AU context? Does African diplomacy actually exist?

5.2.1 Contribution of the AU to African Diplomacy

While these questions could easily constitute a whole separate research dissertation, for the purposes of this study they are posed in order to locate AU diplomatic practice within the broader context of global diplomacy. A simple response therefore would be to consider whether the emerging trends outlined above, and in earlier chapters, are unique to diplomacy in Africa, both amongst African member states and between the AU and other international cooperating partners. If they are, even to a small extent, then it would not be illogical to state that African diplomacy exists and is not simply traditional diplomacy conducted by states that happen to be situated in Africa.

The procedural aspects of African diplomacy such as consensus decision making, institutional restructuring in foreign ministries and the increase in

diplomatic actors, may not add to the argument as these are general characteristics of multilateral conference diplomacy the world over and not specifically unique to African styles and practices. One of the unique elements of African diplomatic procedure is the open-endedness of the AU's committees and sub-committees on various issues. These committees are generally constituted by a certain number of representatives from all the geographic regions, yet other member states are always allowed to attend if they so wish. A case in point was the Ministerial Committee set up in 2002 to prepare for the elections of the new AU Commissioners. Although Committee membership included three countries per region, most AU members attended the meetings owing to the significance and regional interest of the matter at hand, namely to ensure regional representation within the management structures of the AU Commission.

Most of the unique elements of African diplomacy, through the AU, can be found in the organisation's policy priorities or 'foreign policy objectives' as identified in chapter four. The focus on economic integration is a primary AU objective and is unique in the sense that it aims to enable the continent to play its rightful role in the global economy and raise the living standards of African people. Other regions and/or continents may have similar objectives but for very different purposes – much of the developed North already constitute key players in the global economy and one cannot compare the living standards of an average European to that of his or her African counterpart.

Similarly, the milestone decision on gender parity in 2002, through the election of five female and five male AU Commissioners, and its further codification in article 5 of the Solemn Declaration (AU, 2004(a)) to expand the principle throughout all AU organs, NEPAD structures and RECs, is a particularly unique policy objective to the AU and continent. The diplomatic practice in implementing this principle contributes significantly to the nature and definition of African diplomacy. The fact that this principle is still far from being fully implemented throughout the continent should not detract from its importance in guiding African diplomatic practice and content.

Another unique element brought to the field of African diplomacy by the creation of the AU is the predominance of regional bloc diplomacy and the preference for regional coalitions before entering continental debate on issues. As the building blocs of the Union, the RECs will continue to play key roles in implementing the objectives and programmes of the continental organisation, implying a clear course in regional diplomatic action as a precursor to that in the continental forum.

Some may argue that African diplomacy is not limited to the contribution of diplomatic practice and ideas from the AU. Bilateral diplomacy amongst African member states, as well as structural diplomacy between the Union and the rest of the world (Keukeleire, 2000:2) also contribute to defining the field of African diplomacy. While the latter statement is true, one must not forget that much of the diplomatic content in these alternative forms of diplomacy are inherently informed and influenced by the principles and objectives of the AU itself. The point of belonging to the AU and participating in the development of its programmes and policies is to domesticate the collective commitments therein. It is quite bold to state then that most diplomatic interactions in the continent, be they internal or external, will to varying degrees be influenced by the AU agenda. Using this hypothesis that African diplomacy is predominantly made up of the AU's contribution thereto, as the hub of African multilateral diplomacy, its existence is confirmed and hence the remainder of this chapter will refer to the term.

5.3 Challenges to African Diplomacy

Practically all states have recognised and advocated the “necessity of multilateral cooperation, global governance and collective risk management” (Simai, 1997:146). More demands are made on states from both internal and external constituencies, and states are under increasing international pressure to be more accountable for their actions (1997:163). Therefore, the manner in which these demands are met, as well as how states react or respond to that pressure of accountability are critical in determining the credibility of those states by their own citizens, their regions and the international community. This

is particularly applicable to the AU and the role of diplomacy in its creation and consolidation, as the continent has much to lose if the Union lacks credibility.

Part of the assessment of the role of diplomacy in establishing the AU and consolidating its objectives into tangible actions, is an overview of the challenges the Union faces. As mentioned earlier, diplomacy of the Union and its member states needs to respond to resolving existing challenges and obstacles to its foreign policy objectives, thereby enhancing the credibility of the organisation and its member states.

In other words, African diplomacy should be geared by the challenges it aims to address which, according to Abraham (2004:3), means the promotion of Africa's development by improving the livelihood of people; good governance, democracy and respect for human rights; fighting the scourge of HIV and AIDS, preventing conflicts and finding peaceful solutions to existing ones; strengthening regional and sub-regional organisations and showing international solidarity in tackling terrorism. Anyaoku (1999:10) adds to this the fight against corruption and the economic challenges faced in the context of globalisation. Effective inclusion of civil society in AU processes, the domestication of Union objectives and the need to mobilize resources can also be added to the list (Maloka, 2001:4).

In the author's view, it is the challenge of effective implementation that is critical in proving the value of African diplomacy and its mechanism, the AU. It is time to move from mere commitment on paper and in speeches, to real action and achieving tangible progress in the Union's objectives. Added to this is the challenge of entrenching democracy and democratic institutions in all AU member states. The sooner the "core values of democracy are packaged in formal democratic procedures and institutions, which provide the mechanisms for facilitating development" (Stols, 2003:4), the sooner Africa will make progress on the developmental path. As Schoeman (2006:147) states, the term "African unity" has been invoked to hide human rights abuses, structural weaknesses of many African countries and the protection of authoritarian regimes, and this should no longer be the case.

Other challenges which AU multilateral diplomacy will need to address include the weaknesses of some African states, in terms of their instability and in terms of being efficient systems of rule, resource distributors and security and welfare providers (Schoeman, 2006:256). In addition, the centralisation of foreign policy, lack of professional diplomatic capacity and financial constraints (Spies, 2006:163-167) in some African countries have all presented serious obstacles to the effective conduct of multilateral diplomacy. Spies (2006:165) asserts that this has meant that poorer countries cannot cope with the range and complexity of issues on the diplomatic agenda nor do they have the manpower to cover the horde of committees and regional meetings.

The challenges are many and African diplomats have to adapt to the onslaught of globalisation and its political, economic and social implications on the African continent. However, as Petrovsky (1998:4-5) indicates, the potential of diplomacy to facilitate good governance, both nationally and globally cannot be underestimated. By maintaining a multilayered approach to issues on the diplomatic agenda, African diplomacy is able to consider all actors, all interactions and all implications of different policy decisions. African diplomacy must adapt fully to the interdependency of the issues and actors it deals with, which links to the normative aspects of diplomatic issues and practice on the continent.

5.4 Normative Aspects of African Diplomacy

Based on the previous chapters, it is important to make proposals on how different styles and methods of diplomacy could or ought to be used more effectively to consolidate the AU's operations. In order not to repeat assertions that have been included earlier in chapters three, four and five, this section will focus primarily on four priorities for African diplomacy in consolidating the AU, namely good governance, inclusivity of civil society in AU processes, promoting effective leadership on the continent and implementation of AU commitments. These priorities need to be based in the substantive as well as procedural characteristics of African diplomacy.

“African diplomacy is as effective as the governments behind it; and it cannot be effective if the governments behind it are either unstable or lack legitimacy or are infirm of purpose” (Anyaoku, 1999:11). Only through democracy can African states be viable and credible. It is therefore critical that the Union’s objectives that relate to good governance, of which there are many, are implemented effectively and all diplomatic efforts and resources are channeled towards this course. As mentioned previously the AU is not short on institutional and legal mechanisms to promote good governance and democracy on the continent. The Constitutive Act, African Charter on Human and People’s Rights as well as the Commission for its implementation, the Draft Charter on Democracy, Elections and Governance, the PAP and the APRM constitute a fine institutional framework for promoting the principles of democracy, the rule of law and protection of human rights. Diplomacy should therefore concentrate all efforts at ensuring that this framework is a dynamic and effective implementing agent and not simply paper commitment. If not, considerable dents will be made in the Union’s internal and international credibility, which it can ill afford.

The focus of African diplomacy then should be on results and action. Issues, problems and their solutions need to transcend the trivial scuffles over ideological territory and authority, and this is more necessary than ever in the role of civil society in consolidating the African agenda. Cooper and Hocking, (2000:376) who explore the emerging diplomatic relationship at the global level between governments and NGOs, contend that the development of civil society has resulted in more state-societal interactions, but also has impacted on the ways in which diplomats perceive and practice their profession in formulating and implementing foreign policy (2000:363). Both state and societal actors need to fulfil their own mandates while maintaining a certain degree of autonomy. In so doing, though, diplomats are increasingly drawing on the knowledge and skills of NGOs in order to approach global problems comprehensively. Similarly, NGOs strike partnerships with state actors in order to enhance their own legitimacy and to minimise their sometimes anti-statist image (2000:370).

The AU has put in place an impressive framework for the inclusion of civil society in its processes through the ECOSOCC, PAP and African Citizens Directorate within the Commission, amongst others. This has allowed a considerable increase in civil society participation and contribution to the Union's activities, programmes and decisions. However, despite the original motivation for establishing the AU to make the continental organisation more people-centred and relevant to African citizens, "the promise of a people-driven African Union (AU) remains largely unfulfilled" (Kane and Mbelle, 2007:1). Many member states remain hesitant to engage civil society organisations or parliaments in discussions on national positions to take to AU organs, and according to Kane and Mbelle (2007:6) the ECOSOCC is still faced with resource challenges, organisational issues and remains only an advisory body to the AU Assembly. There is a paucity of opportunities for civil society to shape the AU agenda which may discourage civil society groups from including AU objectives in their work (Tieku, 2007:35). All of this detracts considerably from the ECOSOCC's potential to be the genuine voice for Africa's citizens.

Diplomatic practice on the continent, through the AU, will need to address these issues and continue to evolve towards inclusion of other actors and away from the traditional state-centric approach. In addition, African diplomacy should assist in strengthening African civil society to enable the latter to better participate in the Union. Sturman and Cilliers (2003:77) advise that this can be done by giving greater weight to grassroots organisations and rural constituencies which are a more accurate reflection of African civil society. Either way, member states cannot escape the fundamental commitment to ensure the "full participation of African peoples" (OAU, 2000: Article 17). Only in this way will diplomacy facilitate the achievement of collective and sustainable solutions to Africa's development.

The third recommendation on how African diplomacy should be conducted in order to consolidate the AU is to strengthen leadership. "Africa needs inspiring, consistent and high-level political leadership that repeatedly emphasises the imperative of unification" (InterAfrica Group/Justice Africa, 2002:9). Without

visionary and honest leadership, Africa will never speak collectively and be taken seriously in global debates on issues such as international trade, HIV and AIDS and the environment, to name a few. Dynamic leaders would know the benefits of ceding some sovereignty for the common continental good, and convince their constituencies and counterparts of the same. This would entail diplomacy at the highest level, which as highlighted in chapter four, ensures that the African agenda is in fact the global agenda.

Finally, the role of diplomacy in consolidating the Union and its policy objectives is fundamental in the context of implementing the myriad commitments made by AU member states. The credibility of the Union, including all of its organs, bodies and legal frameworks, depends primarily on effective and efficient implementation of its programmes for the benefit of African people. Cilliers and Sturman (2002(b):5) view the cornerstones of credibility for the AU as articles 4(h), 4(j) and 23(2) of the Constitutive Act which, as mentioned previously, relate to the notion of intervention in another member state and the issue of compliance with decisions and policies of the Union. These new provisions differ markedly from those contained in the Charter of the OAU which focused more on non-interference. The democratic, good governance and respect for human rights benchmarks are clear “for domestic action and inter-state relations” (Cilliers and Sturman, 2002(b):6) in the AU. The critical aspect though is implementation thereof and compliance thereto, without which the Union will be just another talk shop filled with rhetoric.

The 2002 Inaugural Summit of the AU called into question this much-needed credibility when it was decided to exclude Madagascar from the AU due to its ongoing political instability, yet raised no objections to retaining the participation of “Taylor’s Liberia, Mugabe’s Zimbabwe, Kabila’s Congo and Bashir’s Sudan” (Solomon, 2002:2). While principles of AU membership are agreed upon, Solomon argues that they need to be uniformly and consistently applied and implemented in order for the AU to be credible as a global player.

Also key to effective implementation of Union commitments in all of its policies and programmes is the adherence to the principle of subsidiarity which implies

that matters are handled by the smallest, lowest or least centralised authority. Using Erasmus' (2004:1) description of the term in the European Union context, for the AU, it implies that the Union can take action only where such action cannot efficiently be undertaken by the member states themselves. In the AU context however, it is more about the functional relationship between the main AU organs and specialist bodies outside of the formal AU structures that work on related AU objectives. An example would be the Development Bank of Southern Africa which assists with sourcing finance for NEPAD projects which are formal AU programmes.

The OAU Assembly of Heads of State and Government held in Lusaka in July 2001 (OAU, 2001(b): AHG/Dec.160 (XXXVII)), reaffirmed the RECs as the building blocs of the AU particularly in terms of implementation of AU programmes. In turn, the building blocs comprise of individual member states and the primary onus of implementation rests on these individual countries. The commitment of member states in domesticating AU policies and implementing programmes at the national and regional levels will determine the credibility, and hence the success, of the AU. In his list of how to ensure that the AU "fails", Ndi-Zambo (2001:39) states that if the Union does not take into account the principle of subsidiarity and exempts member states of all responsibility in favour of sub-regional and continental bodies, then the Union will implode. Implementation cannot be stressed enough and diplomacy in the Union will need to be focused on this without condition.

5.5 Conclusion

This chapter has highlighted the main trends emerging in diplomatic form and substance in the creation and consolidation of the AU. The list of trends is not exhaustive and diplomacy being a "child of its time" (Marshall, 1997:8) will result in the constant evolution of African diplomacy as member states and their diplomats are faced with new continental and international challenges.

There is much value in evaluating how African diplomacy ought to be conducted, both in terms of content and style. Such an evaluation helps define

and customise the tasks of diplomacy in order to make them more relevant within the African context. While Barston's (1997:2) tasks of diplomacy, that is representation, acting as a listening post, reducing friction and the creation, drafting and amendment of international rules, remain relevant for African diplomacy, there is uniqueness in the diplomatic content and style conducted on the continent. The challenges faced by Africa such as ensuring peace and security and economic development, fighting the scourge of HIV and AIDS, poverty and underdevelopment, and acting as a unified bloc, are not unique: other regions and continents face similar trials. However, Africa seems to have to address these daunting challenges all at once and in particularly severe degrees of complexity – thereby necessitating a dynamic and proactive stance in its policy objectives.

Hence the imperative for African diplomacy to focus on principles of good governance and democracy, on including civil society in the policy making and implementation processes, and on strengthening African leadership, all towards implementing commitments effectively. “No organization is better than its members. Theirs is the ultimate responsibility” (Marshall, 1997:67). The AU presents opportunities and responsibilities for its membership as a collective and for member states individually. Thus far member states have assumed the responsibility of ensuring that the Union was created on a solid, rules-based foundation, however, in the context of its diplomatic agenda, member states can no longer afford to be too selective in what they choose to prioritise and implement.

African diplomatic ideas, practice and content, must now move from the diplomacy of institution-building (as outlined in chapter three) to diplomacy of implementation.

CHAPTER 6: CONCLUSION

This dissertation has examined the role of multilateral diplomacy in establishing the primary collective policy-making organ on the African continent, namely the AU, and whether that role has been a positive one with the potential for consolidating the organisation within the continent's political and socio-economic renewal. In chapter two, theorizing on African diplomatic ideas and practice were located within the first and second order levels of diplomatic theory. Explanations on diplomatic behaviour by African states within the continental organisation, and within the international context were classified in terms of rationalist and constructivist international relations theory, as they highlight the conduct of diplomatic relations in the context of promoting issues of security, power and survival of the state, as well as ideas related to political economy, international cooperation and the environment, and international institution building.

The examination of diplomatic ideas and behaviour in chapter three was conducted in terms of firstly outlining the multilateral diplomacy used during the period 2000 to 2004 in creating the primary organs of the Union. This period focused heavily on building the new Union as an institution and thus diplomacy was geared predominantly towards issues of procedural nature. As in any multilateral organisation, the development of clear and precise rules of procedure for the primary organs of the Union was considered critical in setting a solid foundation for its future credibility and, as Sabel (1998:12) points out, such rules act as a lubricant for an organisation to proceed with its work thereby contributing to the substantive outcomes of the organisation. The analysis showed that elements of African multilateralism used thus far included regional bloc diplomacy and personal diplomacy by African Heads of State and Government as well as the need to include other non-state actors in the process. The speed at which the organs of the Union were defined and established highlighted the impatience of member states to assume the responsibility for the continent's development and welfare.

Chapter four continued the analysis in terms of considering the diplomatic content of the Union and its 'foreign' policy objectives. The assumption is that those objectives will determine the nature and style of diplomatic practice both internally between individual states, and structurally (Keukelaire, 2000:21) as the Union with other global partners. Prioritising the Union's objectives under economic development and integration, continental good governance, and the popularisation of the AU, it emerged that future African diplomacy will probably continue to be regionally focused, economic and public in nature and outcomes-based.

The penultimate chapter further highlighted the need for multilateral diplomacy to be geared towards implementation of AU commitments. In outlining the trends arising from the study, it became apparent that multilateralism is likely to prevail in Union diplomatic practice both in terms of substance and procedure. Diplomacy will need to focus on addressing the enormous challenges faced by the continent including poverty and underdevelopment, peace, security and stability and HIV and AIDS, amongst others. Chapter five underscored the importance of the Union's credibility in ensuring its success and, implicit in this, the need for the Union to effectively and efficiently implement its commitments and programmes for the benefit of the ordinary African citizen.

6.1 Impact on Continental and Global Diplomacy

The creation of the AU and the role multilateral diplomacy has played therein has impacted on the continent's diplomatic agenda as well as that of the global agenda. Firstly, from a continental perspective, the Union's existence and its policy priorities have entrenched the notion of regionalism through a heavy emphasis on the role of the RECs as implementing agents of the Union's programmes. Throughout chapters three and four, it is made quite clear that the role of regional bloc diplomacy is ingrained in African diplomacy and member states can be expected to continue to resort to regional lobbying to facilitate and conclude continental policies and approaches.

Secondly, AU commitments to good governance, democracy and respect for human rights have raised the bar for all member states and there is a much greater expectation of compliance. As highlighted in chapter four, governments that came into power through unconstitutional means, such as those of Togo and Mauritania during the period under review, were not only frowned upon but were taken to task to rectify the political situation in their respective countries before being allowed to resume Union membership. These developments have set important precedents and will influence the future behaviour of other members.

The new continental organisation has also made great strides, compared to its predecessor, in making itself more relevant to African citizens. This has been done through institutional and policy frameworks to include civil society representation and participation in the activities of the Union. The creation of bodies such as the PAP (chapter three), the ECOSOCC (chapter four) and policy priority of popularising the Union (chapter four) have all contributed to heightening the Union's profile and benefits for the ordinary person on the continent. Granted, much work still has to be done in this regard and as Wiseman (1999:2) suggests, an approach to this 'non-state' diplomacy is to consider whether states, in this case African states, are "resisting, co-opting or co-operating with non-state actors". Judging by the literature on the role of civil society in the AU, or lack thereof in the view of some critics, Wiseman's analysis could inform the scope of a completely separate study.

In the international context, the AU has made its mark on the global diplomatic agenda. Despite the obsession of the world with the so-called War on Terror following the 11 September 2001 attacks in the United States, African leaders managed to retain the issue of Africa's development on the global agenda (Cilliers, 2002:6). The recurring invitations to key African leaders, including the incumbent chairpersons of the Union, to meetings of the Group of 8 industrialised countries attest to the priority of Africa on a global scale. In addition, the AU has allowed the continent to participate in international fora as a unified bloc thereby ensuring that other players engage with the African agenda. African foreign ministries, as the primary vehicles of diplomacy, have

ensured that priority issues on the international agenda such as climate change or reform of the United Nations Security Council, to name two examples, are considered in the context of their implications for Africa's development. This can only confirm the initial success of African multilateral diplomacy and its primary institution, the AU. Of course, the extent of Africa's impact on the global agenda depends on its solidarity and unity on the particular issue, elements that are not always guaranteed.

The role of multilateral diplomacy in creating the AU, as well as prospects for consolidation of AU policy priorities and objectives, has no doubt been positive. The lengthy analysis of the establishment of the key organs of the AU in chapter three was aimed at emphasising this and the fact that laying a solid institutional foundation for the Union was vital in ensuring its future success. Union diplomatic processes, through the rules of procedure of the key organs, have provided the enabling environment for member states to make progress on diplomatic issues and outcomes. This contributes further to consolidating a rules-based system inherent in multilateral diplomacy.

6.2 Future African Diplomacy

As has been noted, this dissertation analysed the role of African multilateral diplomacy during a limited period, from 2000 to 2004, during which the main pillars of the Union were established together with the adoption of important commitments by African countries related to regional economic integration, good governance and popularization of the Union.

As mentioned earlier, the field of African diplomacy requires research in its own right. It is likely that diplomatic ideas, practice and theories emanating from the African continent and its multilateral hub in Addis Ababa, will continue to evolve to effectively address challenges of human security in Africa and the world. These developments would need to be recorded and analysed in similar diplomatic contexts in order to contribute to the broader field of diplomatic studies.

The AU project is just beginning and while its launch and subsequent institution building is deemed by this dissertation as a success in diplomatic practice, it has much more to achieve before it can claim to be successful in terms of relevance and value to African citizens. As Tiekou (2007:27) contends, the global issue of human security has been incorporated into AU documents and work, evident in all the organisation's decisions, declarations and protocols since its launch. However, he questions whether "the AU would be able to institutionalize human security in Africa effectively". This is something that multilateral diplomacy in the Union will need to address in its future.

Another key area of diplomatic practice that is increasingly required to enhance African multilateralism and the impact of the AU, is polylateral diplomacy. This is particularly relevant in the economic domain. Globalisation has transformed the world and demands that states compete for scarce resources, markets and economic gains. "Governments, transnational enterprises and transnational NGOs alike are in need of constructive diplomatic expertise in order to manage the complexities and uncertainties of today's globalised world in order to prevent the multitude of potential policy conflicts from erupting into violence and chaos" (Saner and Yiu, 2001:3). This implies that foreign ministries on the continent need to adapt and share the diplomatic space with other economic, non-state players in order to achieve balanced sustainable development. The evolution of polylateral diplomacy within the AU and the development of economic diplomatic skills could form the basis of further study.

The creation of the intergovernmental AU and its subsequent quest for credibility through diplomacy, both internally amongst member states and structurally with the rest of the world, more than proves the assertion that "African diplomacy is as effective as the governments behind it" (Anyako, 1999:11) – an assertion that will continue to hold true in future.

CHAPTER 7: BIBLIOGRAPHY

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