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The Role of the Pan African Parliament in African Regionalism (2004-2006): an Institutional Perspective

By

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"…to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively". - AU Assembly (AU constitution 2000)

Statement of Originality

Save where otherwise observed, this research in all respects is the outcome of my independent lateral thought processes and endeavours.

Ogochukwu Iruoma Nzewi.

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Abbreviations

Abuja Treaty: The treaty establishing the African Economic Community

AEC : African Economic Community

AMF: African Monetary Fund of the African Union

AMU: Arab Maghreb Union

APEC Asia –Pacific Economic Co-operation

APRM: Africa Peer Review Mechanism

ASEAN: Association of Southeast Asian Nations

AU African Union

AUC: African Union Commission/The Commission

CENSAD: Economic Community of Sahelo-Saharian States

CIDO: African Citizens Directorate

COMESA: Common Market of East and Southern Africa

CSSDCA: Conference on Security, Stability, Development and Co-operation in Africa

DFID: Department for International Development (UK)

EAC: East African Community

EC: Executive Council of the African Union

ECCAS:Economic Community of Central African States (

ECOSOCC: Economic, Social and Cultural Council of the African Union

ECOWAS: Economic Community of West African States

EP : European Parliament

EU: European Union

IGAD: Inter-Governmental Authority for Development (IGAD);

IMF: International Monetary Fund

ISS: Institute for Security Studies (South Africa)

MP: Members of Parliament

NAFTA: North American Free Trade Area

NEPAD: The New Partnership for Africa's Development

OAU: Organisation of African Unity

PAP: Pan African Parliament

PCMFA: Permanent Committee on Monetary and Financial Affairs

PRC: Permanent Representatives Committee of the African Union

PSC: Peace and Security Council of the African Union

PULP: Pretoria University Law Press

QMV: Qualified Majority Vote

RECs: Regional Economic Communities

RPA: Regional Parliamentary Assembly

SADC: Southern African Development Community

STC: Specialised Technical Committee of the African Union

The Protocol: The Protocol to the treaty establishing the African Economic Community relating to the Pan African Parliament

UN: The United Nations

UNECA: United Nations Economic Commission for Africa

UNPAAERD: United Nations' Programme of Action for African Economic Recovery and Development

Outline of key terms

Dependency: a country's position in an international system of dependent or unequal exchange and political control, conditions its development strategies and achievements

Functionalism: the existence of institutions can be explained in the need they fulfil in forging social cohesion. In regional integration, functionalism is the process of regional integration that firstly, concentrates on unobtrusively moving towards integration through an incremental decision-making process.

Good governance: the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services (World Bank 2007:3)

Institution designers: the crafters and decision makers in the establishment of an institution (organisation, law, legislation).

Institution: Institutions can be formal and informal institutions, conventions, norms and symbols embedded in them and policy instruments and procedures.

Nationalism: the belief that nations will benefit from acting independently rather than collectively, emphasising national rather than international goals.

Neo-functionalism: A grand theory of regional integration which attempts to predict the possible trajectory of regional transformation, based on an emerging supranational character of regional institutions of integration.

Non-interference: This is seen as the central principle of African relations for years as is contained in the 1963 OAU Charter article 3

Organisation: the persons (or committees or departments etc.) who make up a body working towards a goal.

Pan Africanism: the sentiments and ideology of political and socio-economic African unity

Sovereignty: Complete independence as in a territory existing with supreme authority over its affairs

Supranationalism points to "decision making bodies which supersede or override the sovereign authority of individual states who are constituent members of the organisation involved (Evans & Newham 1990: 382)

Supranationality: Supranationality is defined as a method of decision and policy making whereby the individual member states pool their sovereignty with a higher authority (Roy in van der Hoek 2005: 86).

Abstract

This research probes the role of the Pan African Parliament (PAP) in the African Union (AU), given the documented struggle of African regional integration institutions for relevance in the highly intergovernmental milieu of African regionalism (Haas 1970; 615; Gottschalk & Schmidt 2004:138). In 2000, African heads of states met in Lomé Togo and pledged to do all that is necessary to create effective, working institutions in the African Union (AU 2000).

Taking into consideration the very recent history of the AU and its institutions, the research approach was to interrogate the evolution of the Pan African Parliament as a path to determining the PAP's definitive role in the AU. As the research progressed, the institutionalism approach unveiled how past institutional legacies and culture in the OAU shaped the emergence of the AU and in particular the PAP. The research located and developed a central argument, which is that designers of institutions will likely create institutions with functional outcomes attuned to their own motivations and intentions. These motivations and intentions in turn are shaped by historical and social exigencies which render rational reflections dubious. This central point is observed in the manner the OAU has subsequently shaped the design of the AU and PAP in particular. Consequently, the thesis views the non-interference legacy of the OAU as well as the highly intergovernmental culture of African regionalism as institutionalised baggage with the potential of crippling a supranational leaning institution like the PAP.

Based on this central argument, the research found that despite its legal importance in terms of the AU Constitutive Act, the PAP in practice, plays no effective role in AU decision making. As a consultative body, the PAP has made no impact whatsoever in the decisions of the AU. Finally, drawing from the institutionalism discourse, the research argues that although these institutional antecedents may not augur well for PAP's future in the AU, the PAP's growth strategy should take advantage of increasing tasks and unintended consequences in the expanding AU, to find its relevance in the continental polity.