

## NIGERIA AND THE POLITICS OF AFRICAN UNION

### INTRODUCTION

Is there any fundamental difference between OAU and AU? Secondly and perhaps more importantly, what was the nature of the politics, negotiations or compromises that led to the preliminary Draft of the Treaty establishing the AU? Thirdly, are there challenges currently militating against the emergence of this new pan-African organization? Finally, what are the challenges and opportunities available for Nigerian to promote her foreign policy within the AU?

These questions have been motivated by two interrelated reasons. First, the launching of the African Union on July 8, 2002 in South Africa was the biggest show in Africa since the emergence of the continent. The ceremony which was witnessed by about 25,000 people made up of Heads of State and government from African countries and other dignitaries featured Zulu warriors dressed in traditional attires, a parade of bare breast Zulu maidens and parachutists descending from the sky.

The Libyan leader, Muammar Gadhafi as usual tried to steal the "Show" from the host when he landed in Durban with a fleet of planes carrying 60 armoured vehicles, his own security details, and two camels. As Daima (2002) noted, throughout the summit, Gadhafi was distinguished from other African leaders by his flowing brown robes and finely hand-embroided gold Knete cloth, his enigmatic smile and his no-holds barred attacks on the West for taking advantage of Africa.

Although Libyan leader's proposal to amend the Union's charter to create a single African country with a single army was coldly received, he exhorted the crowd in a fractured, but clear and widely cheered speech; Africa for Africans! The land is ours! Africa is our land! You are the masters of your continent! You are proud! You are matching to glory! No more slavery! No more colonization! It is a new dawn!

While Gadhafi described the emergence of the African Union as "a new dawn", the South African president, Thabo Mbeki described the event as a proclamation "to the world that Africa is on the rise". In spite of this optimism about the emergence of the African Union, not much has been written by African scholars on how OAU is different from AU.

Secondly and perhaps more significantly, the obituary of the OAU has attracted jubilations from major players of African politics. Many have



used the opportunity to do a postmortem analysis of the organization. For instance, Amara Essy in his short stint at the helm of affairs of OAU came to the conclusion that "the OAU is the most difficult organization I have seen". Apart from him, other commentators have described the OAU among other things as "irrelevant and moribund", "mediocre club", "Disorganization of African Unity", and "Organization of African Disunity", these epithets were a reflection of the utter disappointment many had of an organization that was formed to give Africa pride and hope; but which over the years became increasingly renowned for inaction, and a talk shop of "Africa's big men".

While this celebration and condemnation are going on, African scholars are yet to investigate whether the politics, negotiations and compromises that led to the emergence of OAU are different from those that led the formation of AU. This study has been designed to fill these gaps in knowledge.

This paper has been deliberately partitioned into four sections. Section one, critically examines why the formation of African Union is imperative. In section two, efforts will be made to unravel the underground politics that led to the emergence of the African Union. In section three, we shall differentiate OAU from AU through the analysis of the constitutive Act. Section four will examine the challenges facing the AU, while section five will be summary and conclusions.

### **Section One: Why the Formation of the African Union is Imperative**

Nrumah's passionate and unheeded call for unity over thirty years ago must have been in the minds of African leaders when they unanimously decided to form an African Union at the Lusaka Summit in July 2001. However, certain factors made the emergence of the African Union inevitable. The first is that the present International and historical conditions are conducive for African peoples, both in the continent and in the Diaspora to seek Pan-African Unity, see themselves as one people or nation; to establish and consolidate Pan-African Institutions and to move Africa forward, through collective efforts. Since the emergence of globalization in the 1980s, every continent is integrating and Africa cannot be the exception. This era has witnessed the transformation of European Economic community to European Union, the formation of common markets in Americas and Asia and therefore, the transformation of OAU to AU. As the new AU chairman and president of Mozambique noted, "we have to build an Africa which is on a level with the developed world".



Another outstanding reason is the marginalization of Africa in the global arena, especially after the cold war. During the cold war individual African countries were somewhat important global diplomatic pawns, courted by both the East and West in their inordinate bid to expand their spheres of influence. As Ibeike – Jonah (2001) noted, the end of the East-West ideological confrontation ushered in what some observers have labeled the “retreat from Africa”. It has finally dawned on the African leaders that the continent is becoming increasingly powerless in the tough global economic environment. As Harsch (2002) noted, in an increasingly competitive world economy, Africa’s small, poor countries, each on its will have a very hard time attracting investment or breaking into new markets. The European Union has shown how greater unity at the regional level can enhance leverage on an international scale. This explains why Africa is in a hurry to unite. As Salim Ahmed Salim, former secretary General of the OAU, stressed; “Frankly, we have to be in a hurry... the world is not waiting for us”.

Finally, the emergence of the African Union was necessitated by the sudden death of the Organization of African Unity (OAU). The burial of the OAU brought to an end a controversial 38 years history. Critics saw it as an alliance of dictators, while supporters say it played an important role in the de-colonization of the continent. As one commentator noted; “The OAU does not really represent an extreme departure from OAU. I think the OAU was more concerned with de-colonization. The African Union goes beyond that and concentrates on African economic development” (Franz Kruger’s Report 2002).

On the face of it, the formation of the African Union marked institutionally the shift in the main focus of Pan-Africanism from Pan-Africanism as reaction and resistance to exploitation, oppression, humiliation and subjugation as it relates to slavery, racism, colonialism and imperialism, to Pan-Africanism as reaffirmation and redemption centering on the empowerment and development of all African people.

In explaining the main reason behind the formation of the African Union, Salim Ahmed Salim observed that “our inability to touch our people has been the main weakness of our organization”. Consequently, the transformation of OAU to AU is expected to bring a new approach to reaching out to African people. Although one of the aims of OAU was to unite Africa, it avoided doing so in practice. Based on the principle of non-interference and non-intervention, the organization turned a blind eye to horrendous and worst acts of brutality that were taking place in



almost all independent African states. For instance, Ethiopian Colonel Mengistu Haile Mariam welcomed OAU delegates to Addis Ababa on June 6, 1963 and was in turn thanked for his "warm and generous hospitality" despite having overthrown and murdered one of the OAU's founding fathers and first chairman, Emperor Haile Selassie. With this background information, let us quickly examine the underground politics that led to the emergence of the AU.

## Section Two: Nigeria and the Politics of AU Formation

It is important to state from the beginning that the negotiations preceding the decision to establish the African Union was complex. Some African leaders favoured the status quo, while the others wanted to move quickly to a "united states of Africa". The 1999 OAU declaration in Sirte, Libya, to form the African Union therefore represented a compromise, with some elements reflecting the desire for stronger "supra-national entity", while others continued to hold key aspects of national sovereignty.

Essentially, two contending forces presented two contradictory positions for the formation of the African Union. The first group led by Gadhafi, presented the request for "A United States of Africa" while Nigeria presented "the Abuja Treaty" which was a modification of the OAU.

### A United States of Africa

Gadhafi is the proverbial "Lone ranger" of North African politics and a Maveric of the Arab world. With his emergence out of the global diplomatic wilderness to which he had been consigned by the lockerbie tragedy, his neighbours in the Arab Mahgreb Union (AMU) and throughout the continent appeared to have been at pains to re-integrate him and Libya back into the mainstream of inter-African affairs. More importantly, Africa played a major role in extricating Gadhafi from the isolation imposed by Lockerbie with former South African president Nelson Mandela assuming a leading role in doing the Colonel's bidding. This explains why Gadhafi decided to champion the transition of OAU to AU.

Gadhafi's dream to form United States of Africa goes back two years when he served notice that he wanted to host an extra ordinary summit to address the need for improving the OAU. This required two-thirds of member countries and twelve months lead-time for preparation and canvassing. Although Libya's formal offer was not circulated until prior



to the Algeria summit in 1999, Gadhafi proclaimed the convening of the special summit to take place in September. It was approved by acclamation, although no one really knew exactly what the Libyan leader had in mind until he opened the summit in Sirte. The hosting of the summit also coincided with Libya's 30<sup>th</sup> anniversary commemoration of the Al-Fatah Revolution that brought Gadhafi to power.

Heads of State and their delegations were kept busy in Tripoli with celebrations and military parades. It was only when the Colonel opened the summit that he unveiled exactly what he had in mind. He suggested the dismantling of all borders; the establishment of a single army; the establishment of a United States Congress-style Pan-African parliament (PAP) that would constitute the apex of sovereignty of a "United States of Africa" under which all heads-of-State and governments would serve. Continental governance, at the ministerial level would be conducted through commissions that would be established for the various sectors that form the core business of all governments: foreign affairs, defence, health, education and welfare (Kornegay, undated).

While many people acknowledged the merits of Libya's proposal, they were surprised and worried about his insistence on an immediate time table for the implementation of the United States of Africa formula within a year.

### **The Obasanjo's CSSDA and the Abuja Treaty**

In July 1989, Obasanjo's Africa Leadership Forum (ALF) in conjunction with the ECA and OAU launched the Kampala Declaration calling for the establishment of the conference on stability, security, development and cooperation for Africa (CSSDCA) or the African Helsinki Process. It was intended to update and modernize the OAU in a manner that would facilitate a meaningful role for African society. The Helsinki Process was designed to enable the OAU, its member states and Africa's non-governmental organizations to address the continent's challenges in a series of meetings laying out a framework and principles as a guide to a plan of action on security, stability, governance, development and cooperation.

As Kornegay (undated) noted, the plan was to offer the "Kampala Declaration to the OAU as a re-emergising blueprint to make it more relevant and dynamic beyond its functions as a ceremonial talkshop and a club for African heads-of-states. Unfortunately, Obasanjo's best-laid plans did not coincide with those of Nigerian military strongman, General



Ibrahim Babangida. Babangida was getting ready to chair the OAU, while Obasanjo was also trying to persuade him to return Nigeria to civilian rule through free and fair elections. The CSSDCA was forced to take a back seat while Obasanjo was a political prisoner during General Sani Abacha's regime."

Obasanjo's election as the civilian president of Nigeria brought back the CSSDCA to limelight. Thus, the CSSDCA was revived during the first African ministerial conference in Abuja, Nigeria on the 8-9 May, 2000. The Abuja Treaty recommended that the AU be modeled on the European Union (EU) as opposed to an American-style of the United States of African federation. Thus, the politics of an AU, PAP and AEC has been about maneuvering around Gadhafi as much as it was about dealing with the substance of a continental integration process.

The outcome at Sirte, with South Africa and Nigeria playing important behind-the-scene roles, was supposed to be a compromise that would allow sufficient time to counter Gadhafi's unrealistic proposals with a more realistic and workable strategy. The Abuja Treaty provisions for the AEC provided the perfect fall-back for what was hoped would be a deflecting and defusing of the Gadhafi proposal.

The preliminary Draft Treaty Establishing the African Union that resulted from the work of Legal experts and parliamentarians who convened in Addis Ababa on 17-20 April, followed by the Draft Constitutive Act of the African Union emerging from the 31 May – 2 June 2000 ministerial conference on the Establishment of the AU and PAP in Tripoli confronted deadlocks all the way as the Libyans insisted on Gadhafi's original proposals. However, other African leaders beside Gadhafi have been instrumental in shaping the process in the run-up to the Lome Summit. At the Tripoli ministerial conference, Nigeria, Ghana, Tanzania and Mali were vocal and active participants in the deliberations. The presence and interventions of the president of Mali, A.O. Konare and the then outgoing Ghanaian president, Jerry Rawlings brought the ministerial deliberations to a sense of political reality to facilitate sufficient agreement on the draft document in preparation for the Lome summit.

Apart from the tug-of-war between the Libyans and everyone else, it was at the ministerial conference that clarification of the relationship between the OAU, AU, AEC and PAP emerged. The envisioned scenario would see the OAU evolve into the AU which would be composed of the following organs: the Assembly as its supreme organ; the executive council; the specialized Technical committee; PAP; the court of justice; the economic



and social council; the financial institutions; and other organs which the Assembly may deem fit to create. The Konare – Rawlings interventions provided clear guidelines regarding the position of the OAU to the proposed new bodies. President Konare explained that:

“What was at stake was the creation of an organization that transcended the traditional institutional framework and integrated the framework of a successor institution to the present continental organization which would ensure greater unity and solidarity as well as free expression of the political will of African peoples, and lay the foundation for coordinated efforts toward accelerated development.”

The fundamental problem with Gadhafi’s insistence on what has amounted to a return to Pan-African Utopianism is the undemocratic and “top-down” nature of his approach. This approach replicates the integral problem of the OAU, where heads-of-States and foreign ministers still determine various issues without any provision for wider consultation and input from the civil society.

### **Section Three: OAU and AU: New Wine in an Old Bottle?**

To the uniformed, particularly those yet to study the constitutive Act of the African Union, there is no significant difference between the OAU and AU. According to them, the African Union is simply a new wine in an old wine skin.

The true position is that there are fundamental differences between the OAU and AU. Before we examine the differences, let us itemise what they have in common. Basically, the official languages of the AU are the same as in the OAU: African Languages, Arabic, English, French, Portuguese. However, Arabic was moved up from 4<sup>th</sup> place to 2<sup>nd</sup> in the UA constitutive Act. More importantly:

1. AU includes all of the objectives (purposes) of the OAU, aside from mentioning the eradication of colonialism. But it adds a few important issues:

**Article g:** Promoting democratic principles and institutions, popular participation and good governance.

**Article h:** promoting and protecting human and peoples rights in accordance with the African Charter on Human and peoples right and other relevant human rights instruments.



OAU only mentions UN Charter and Universal Declaration of Human Rights, which AU mentions in Article E.

Article d: promote and defend common positions on issues of interest to the continent and its people.

Article j: Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies

2. The principles of AU include all those of the OAU, except for the emancipation of African territories from colonial powers. But there are additions:

Article c: Participation of African Peoples in the activities of the union

Article d: Establishment of a common defense policy for the African continent.

Article k: Promotion of self reliance within the union.

Article I: Promotion of gender equality

Article m: Respect for democratic principles, human rights, the rule of law.

Article n.: Promotion of social justice to ensure balanced economic development.

Article p: Condemnation and rejection of unconstitutional changes of government.

Article f: Prohibition of the use of force or threat to use force among members.

Article h: The rights of the Union to intervene (upon decisions of the Assembly) in cases of war crimes, genocide, and crimes against humanity.

Article I: The right of member states to live in peace and security.

Article j: The rights of member states to request intervention from the union in order to restore peace and security.

### Important Provisions that did not Exist in the OAU Charter

Article 17,18: The Pan-African parliament; the court of Justice.

Article 19,22: Financial institutions, the economic, social and cultural council.

Article 23(2): Imposition of sanctions on members that fail to comply with the decisions and policies of the Union.

Article 30: Suspension: governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the union.



**Article 33(2):** The provisions of the AU Act, take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing African economic community.

From the articles so far presented, it is clear that the AU Act includes respect for democratic principles, human rights, the rule of law and good governance. It also allows for collective intervention in grave circumstances; namely, war crimes, genocide and crimes against humanity. Theoretically, the African court of Justice can prosecute errant leaders for crimes in their countries or in other states, a clear departure from the earlier OAU stance on non-interference.

One of the principle aim of the AU is the promotion of "democratic principles and institutions, popular participation and good governance" through a peer review process. The challenge of implementing this radical idea is highlighted by the differing views of African leaders. For instance, Nigerian president, Olusegun Obasanjo is optimistic that, all African leaders "have agreed on peer review unanimously and none backed out of it". In a quick reaction, the Senegalese president, Abdoulaye Wade noted that the peer review would not work, because it is unrealistic and practically impossible to implement. (Daima, 2002). Wade posed a moral question that must be addressed before the mechanism is operationalised, namely, "what right does one president have to tell another how to lead his people, particularly after having been democratically elected?"

More importantly, Article 17 of the AU Act provided for a Pan-African Parliament. According to the Act.

"In order to ensure the full participation of African people in the development and economic integration of the continent, a Pan-African Parliament shall be established."

This is a significant departure from the OAU, which was basically a club for African leaders. As Ayele (2001) noted, African Union will become a reality only when African peoples get involved in its establishment and activities.

#### **Section Four: The Challenges of African Union**

While the goal of more effective continental unity is widely shared, there is widespread skepticism whether the new organization will prove more effective than its predecessor. Some of its main challenges include misrule, state decay and collapses, endemic and intractable violent



conflicts, pervasive poverty, autocratic rule, and widespread violation of human rights.

The most important challenge facing the new organization is how to raise the huge amount of money required to run the continental organization. The simple question on the lips of everybody is; if the member states of the OAU were unable to raise the annual operating budget of \$30 million, how can they raise \$500 million that is estimated will be needed each year to run a prototype of the European Union?

A recent research has revealed that once the organs of the AU are in place, it will require an annual budget of \$64m (up from the current \$51m). Sadly, the Union is still owed a staggering \$39m in dues arrears by member states. The current situation is that AU's five wealthiest members, Libya, Algeria, Egypt, South Africa and Nigeria, pay the Lion's share of the Union's costs. But their contributions will still have to go up if the union is to succeed.

Sources at the second African Union Summit in Maputo, Mozambique said eight countries faced possible sanctions, including expulsion from future summits, for being in arrears of membership dues by two or more years. The eight were named as Democratic Republic of Congo, Central African Republic, Comoros Islands, Guinea Bissau, Liberia, Sao Tome and Principe, Seychelles and Somalia (New African, Aug / Sept. 2003; p. 15).

The sanction could include preventing debtor nations from speaking or voting at future AU meetings, at both summit and executive council level; or prevented from presenting candidates from their countries for AU posts.

Another contentious issue is the budget allocation. The bureaucratic nature of the OAU whose structures have been inherited by the AU means that 85% of the budget will be used to fund the union, with only 15% allocated to project.

Secondly, how can continental unity be achieved when even the regional unity faces complications, and there are numerous problems with regional economic and political treaties. How will AU ensure a fair balance of trade among countries with vastly different economic powers? Should there be a minimum economic standard for entering the AU (like the EU standard), How will that affect poorer African countries? The last question is most fundamental because the EU took nearly fifty years to form and it did not start by including every European country.



Poverty alleviation and sustainable development are major challenges to the continent. Many parts of Africa are impassable or inaccessible. There is poor communication and almost no possibility to register or document inhabitants, by computer or otherwise. With these challenges, it is doubtful whether African Union will achieve its aim of Pan-Africanism that focuses on development of Africa. However, if it succeeds, Nigeria will be expected to play major roles.

As Chibueze (2003) noted, the challenge which now faces the African Union includes:

- (a) Preventing conflicts and ensuring effective peace and security throughout the continent.
- (b) Enhancing the process of effective cooperation and integration in Africa.
- (c) Pursuing the attainment of sustainable development within the continent.
- (d) Consolidating the gains of Pan-Africanism and placing Africa in an advantaged position in this age of globalization
- (e) Fighting the scourge of HIV/AIDS and other pandemics like drought, famine and desert encroachment which are ravaging the continent, and
- (f) Positively confronting the challenge of rebuilding war torn societies in Africa.

#### **Section Five: AU: Challenges and Opportunities for Nigeria**

The emergence of African Union brings to fruition the long cherished dream of uniting Africa's more than 700 million people. This development has both challenges and prospect for Nigeria.

The most formidable challenge Nigeria will face will be how to seize the leadership of the continental organization. Three big countries will vie for this leadership position, namely, Nigeria, South Africa and Libya. From all indications, Libya and South Africa seem to be on top. It will be recalled that Libya's Muammer Gadhafi played a key role towards the crystallization of AU. Gadhafi floated the idea of United States of Africa, not taken serious then, at the 1999 OAU summit in Algeria. He subsequently agreed to finance a summit at Sirte, Libya to discuss it, and therefore, a group of African Leaders decided to take control and bend Gadhafi's proposed United States of Africa into something remarkably similar to the European Union. Gadhafi also made a substantial contribution to the last OAU summit estimated at US 17 million, and paid



the arrears of several member states (Ibe, 2001). More importantly, he bankrolled the entire Lome Summit held in 2000. This explains why Gadhafi's "triumphant" entry to South Africa during the Durban Summit attracted ovation.

With his kind of "CV", it is only South Africa that can confidently contest for the leadership of the AU with Libya. If Nigeria wants to retain her leadership position in Africa, something serious must be done to re-shape her foreign policy towards African states.

Another great challenge is Nigeria's leadership of the recently announced AU's peace and security council. President Oulsegun Obasanjo is the chairman of this new outfit. According to *The Sun*, June 18, 2004.

The establishment of the council is a bold statement by the African Union that it is serious about being significantly different from the defunct OAU, which was bereft of any seriousness about ridding the African Continent of internecine wars and sundry armed conflicts.

The paper however, noted that if the AU must be truly different from the OAU in this regard, it must muster enough political will to go the whole hog. According to the paper, there must be established, a truly African international force that would be capable of intervening in raging armed conflicts and bringing about peace with an international non-partisan agenda, not any national agenda.

This is really a challenging task for the president. If care is not taken Nigeria may end up contributing more than half of the men and materials required for the formation of African peacekeeping force, just like in ECOWAS. While this can help Nigeria to assume leadership role in Africa and beyond, the financial implication may be a drain on Nigeria's economy. It is also possible that Libya may want to bear the burden for the African High Command. Whatever happens, Obasanjo may have to go the extra mile if the new command will attract local and international respectability. He cannot afford to fail in this regard.

In terms of prospects, the emerging continental body with about 700 million people will provide the needed outlet for Nigerian goods and services. Unfortunately, the market is likely to be hijacked by foreign countries that are currently making billions of dollars profits through the monopoly of information technology. Recent studies have revealed that out of the 360 million internet users around the world in the year 2000, only 3.1 million are thought to be in Africa, and most are in south Africa



or North of the Sahara. Nigeria, with over 100 million population, has about 100,000 users. This is the reality of the so-called digital divide. Hence, any initiative, which helps to build digital bridges, cannot but be good for pan-Africanism from below.

Apart from foreigners, South Africa's MTN will benefit maximally from this big market. Nigeria must wake up and initiate a new form of economic diplomacy that can be anchored on foreign investment, foreign aid and war against poverty for African countries.

It should be noted that the eras of colonialism and apartheid are over. The plank of Nigeria's foreign policy for Africa should be to invest in various African countries, assist the needy ones, and champion the war against poverty in the continent. That is the way forward for Nigeria in the 21<sup>st</sup> century.

Finally, it is important to note that the AU is the 10<sup>th</sup> largest economy in the world. It constitutes 1/5 of the world land mass, and holds a major part of its natural resources. Nigeria should utilize the available opportunities within the AU to promote her foreign policy.

In summary, for Nigeria to maintain her leadership position in the emerging African Union, the country must consciously and deliberately shift the emphasis in her foreign policy from political consideration to economic motive. The country should aggressively pursue the policy of foreign investment, foreign aid and war against poverty in Africa.

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