African Union and Pan-African Parliament : Working Papers

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Formation of the African Union, African Economic Community and Pan-African Parliament

Introduction

The Organisation of African Unity (OAU) was established in 1963 to deal with the continental affairs of the emerging independent Africa from European colonialism. The OAU was established as a compromise between the aspirations of three blocs which had emerged in 1960 and 1961:

- The Casablanca Group consisted of Ghana, Mali, Guinea, the United Arab Republic, and the Algerian Provisional Government. This group was led by the then President of Ghana, Kwame Nkrumah, and was formally launched on 7 January 1961. Though others perceived this group to be radical, it nevertheless included the conservative kingdom of Morocco. The Casablanca group advocated an immediate union of the African continent.

- The Brazzaville Group mainly comprised former French colonies: Central African Republic, Cameroon, Ivory Coast, People's Republic of Congo, Dahomey, Mauritania, Gabon, Upper Volta (the present-day Burkina Faso) , Senegal, Niger, Chad and Madagascar. This group stood for a gradualist approach to the concept of African unity, starting with regional economic and cultural co-operation. It signed its Brazzaville Charter on 19 December 1960, and became operational on 12 September 1961.

- The Monrovia Group consisted of Nigeria, Sierra Leone, Liberia, Togo, Ivory Coast, Cameroon, Senegal, Dahomey, Malagasy Republic, Chad, Upper Volta, Niger, People's Republic of Congo, Gabon, Central African Republic, Ethiopia, Somalia, and Tunisia. The Monrovia Group was officially formed from 8-12 May 1961. This group preferred a gradualist approach, like the Brazzaville Group, to African unity. Other loose formations were the Pan African Movement for East, Central and Southern African (PAFMECSA) .

The initial idea of a continental organisation centred around a "Federation of African States" or a "United States of Africa".

Since the late 1950s and early 1960s, in a time when emerging African leaders such as Kwame Nkrumah, Jomo Kenyatta, Sekou Toure, Haile Selassie and Julius Nyerere, who were influenced by WEB DuBois, Sylvester Williams and George Padmore, conceived of a united Africa, the notion of a united Africa has remained an elusive concept to implement. As far back as 1963, "[t]hose who had heralded the OAU as the dawn of a new era soon realized that it was nothing more than a weak organization compromised on the twilight zone between the Monrovia, the Brazzaville, and the Casablanca blocks, with no political unity in sight." This compromise at the onset of the OAU has under- mined the institution's ability to deal frankly with African affairs. Instead, the organisation has since inception been forced to tread a fine line when dealing with the affairs of the continent. Even the recently established Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) has not transformed the OAU from its current ineffective position into an active continental organisation. For example, the OAU has so far failed to bring to an end civil wars and military conflicts in Angola, the Democratic Republic of Congo, the Great Lakes region and Sierra Leone.

Brief Background

Since the adoption of the Abuja Treaty in Nigeria on 3 June 1991 by the majority of OAU member states, the idea of African unity has taken various shapes. The essence of the Abuja Treaty was a proposal to establish an African Economic Community (AEC), "in order to foster the economic, social and cultural integration" of the African continent. According to this proposal, existing regional economic communities such as the Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA), Economic Community of Central African States (ECCAS), East African Community (EAC), Economic Community of West African States (ECOWAS), and the Arab Maghreb Union (AMU), justify the creation of the AEC and indeed should form the foundation of the AEC. The Abuja Treaty recognises earlier efforts towards forging economic integration of the continent, dating as far back as from 1968 to 1980.

The Abuja Treaty also recommends the creation of an African Union and a Pan-African Parliament. The establishment of the two bodies was scheduled to take place over a period of six phases, with the Pan-African Parliament as the final stage, initially intended to be implemented in 2034. The Heads of State and Government of the member states of the OAU endorsed the Abuja Treaty proposal on 9 September 1999 in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, when they decided to form the African Union and Pan-African Parliament. More recently, the Libyan Government hosted a Meeting of Legal Experts and Parliamentarians of the OAU member states in Tripoli from 27 -29 May 2000. This was followed immediately by the Conference of Foreign Ministers of the OAU member states in Tripoli from 31 May to 2 June 2000. At the meeting of the legal experts and parliamentarians, the Libyans insisted on the primacy of their document: the Sirte Declaration of 9 September 1999, as the basis for discussion. This insistence led to a drawn-out impasse, which was only resolved by restricting the discussion to a small group, i.e. the Bureau (Libya, Algeria, Gabon, Lesotho, Ethiopia and Mali) and the heads of delegations from various countries. Consequently, a draft report on the creation of the African Union and the Pan-African Parliament was produced on 29 May, the last day of the meeting. After some amendments, this document was adopted by the joint sitting of legal experts and parliamentarians.

In this paper I examine the processes involved in the establishment of the new structures for the continent. I argue that the proposed structure(s) will eventually replace the OAU. I also point out gaps in the current discussions by legal experts, parliamentarians, ministers of foreign affairs and some heads of state and government. The paper is a prelim- inary study of the evolving bodies and it makes no claim to be exhaustive in its analysis.

Implications of the Creation of an African Union, Pan-African Parliament and African Economic Community for the OAU

The establishment of the AU, PAP, and AEC will have profound implications for the OAU. In all the draft treaties and protocols pertaining to the establishment of these new bodies, their relationships with the OAU are still vaguely defined. For example, Article 24 of the preliminary draft treaty creating the African Union states that, "The seat of the union shall be the seat of the OAU". Article 22 states, "The budget and resources of the [African] Union shall be those of the OAU as provided for in the OAU Charter and the AEC Treaty." Of course, the legal experts and parliamentarians at their first meeting on the creation of the African Union and Pan-African Parliament did recognise a lack of clear articulation of the OAU relationship with the African Union. They also recognised the complexity of attempting to define the relationship of these bodies. For instance, the participants debated the legal nature and the structure of the suggested AU and its association with the OAU and the African Economic Treaty. From such a debate emerged three views, which were articulated under Article 2 as follows: .One trend was that the African Union should be a strong institution that should transcend the existing institutional framework. It was felt that the formulation in Article 2 did not conform to the vision of the OAU and the AEC into the African Union.

.   Another trend was that the proposed African Union should be part of a pyramidal structure of the continental organisations in which the OAU provides the framework and the AEC and the Union become its pillars.

.   Other views were expressed representing variations on the two trends mentioned above and the need to amend the OAU Charter, with a view to establishing a new institutional framework, was also articulated.

The experts failed to reconcile these diverse views on the OAU's relationship with the AU and the AEC. Instead, they decided to settle for the wording of the Sirte Declaration in drafting the clause dealing with the relationships between the OAU and the proposed new bodies. They also agreed to refer the matter to the Heads of State and Government "for a political decision".

Here then, we see the glaring limitations of the legal and political technicians. Instead of making recommendations to the Heads of State and Government, the technicians decided to leave the matter of diverse views on the OAU's relationships with the proposed institutions for politicians without any guidelines for decision-making. Such a short-corning reveals the limited views which shape the formation of these new structures. I would suggest that such a weakness could be overcome by involving civil society groups through organs such as the Africa Institute of South Africa, other NGOs and academics, to have input into the process. Otherwise, the creation of these new bodies remains undemocratic, i.e. they do not involve the broader spectrum of societies and stakeholders of the African peoples.

On the relationship between the OAU and the PAP; the draft protocol of the treaty has this to say : "The Parliament shall have its own Secretariat, which shall be headed by the Clerk of Parliament. Until Parliament appoints its staff, the General Secretariat of the OAU shall act as the Secretariat for the Parliament". The treaty further states, The Secretary General of the OAU shall summon and preside over the inaugural sitting of Parliament until the election of the President and thereafter the President shall preside." These clauses imply that the OAU would still be in existence when the PAP is inaugurated and that once established the PAP would function as an independent entity. Yet discussions on the creation of the AU indicate that the establishment of this latter body might precede that of the PAP; and should that happen, one wonders what would be the future and status of the OAU. Therefore, the current discussions ought to be clear on this point, because a reference to any of the proposed bodies has implications for the future of the OAU. Other South African legal experts who attended both the Addis Ababa and Libyan meetings on the establishment of the proposed bodies have observed the contiguity of these structures to the OAU. For instance, on the AU, they note that, "It is difficult to see how the AU can have any meaningful function if it does not take on some of the functions of the OAU and AEC. If this is the case then the continuing relevancy of the OAU and AEC will have to be reassessed." They made a similar remark about the PAP and other structures, writing that, "The functions which the PAP will have must be determined by its relationship to the other organs of the Continental Organisation. The relationship between the AU/AEC/OAU should thus be clarified before agreeing to definitive functions for the PAP". These are profound observations. However, I suggest that the clarification of the relationships of these bodies requires input beyond that of the legal experts, for it has both political and social ramifications. Non-legal minded persons or institutions might play an important part in clarifying such relationships. Again, the South African legal experts have correctly pointed out, "The Sirte Deceleration [sic] envisages the PAP as a forum to give a voice to all African people at grassroots level. The PAP will therefore be the organ of the people and the people of Africa should be consulted in this regard, at national and regional levels.

It was only at the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament from 31 May- 2 June, 2000 in Tripoli, Libya, that a clarification of relationship among the OAU, AU, AEC and the PAP emerged. At this meeting, it was said that the OAU will evolve into the African Union. The African Union will be composed of the following organs: the Assembly as its supreme organ; the Executive Council; Specialised Technical Committees; Pan-African Parliament; Court of Justice; Economic and Social Council; Financial Institutions; and other organs which the Assembly may deem fit to create. The interventions of Presidents A.O. Konare of Mali and J.J. Rawlings of Ghana at the Ministerial Conference in Libya provided clear guidelines regarding the position of the OAU with regard to the proposed new bodies. For example, President Konare when addressing the meeting stated that:

> "what was at stake was the creation of an organisation that transcended the traditional institutional frameworks and integrated the Organization of African Unity and the African Economic Community, and not the establishment of another organisation in addition to those already existing; in other words[,] a single organisation with two dimensions, political and economic".

President Rawlings, for his part, emphasised that the task of the Ministerial meeting was :

"to elaborate the framework of a successor institution to the present continental organisation 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 towards accelerated development."

These views indicate that the OAU will be replaced by the newly proposed structures, in particular the African Union. Delegates at both meetings in Tripoli, that of Legal Experts and Parliamentarians, and the one for Ministers, expressed their appreciation of the accomplishments of the OAU with regard to its mission: the liberation of the continent from colonial rule. Konare expressed the view that regarding the OAU mission, "the Continental Organisation had creditably discharged its political mandate but could not today adapt and fulfill its mission of economic integration under the Abuja Treaty". Indeed, the objectives of the proposed African Union differ from those of the OAU. Article 3 of the Draft Constitutive Act of the African Union states the objectives as follows:

(a) Achieve greater unity and solidarity between the African countries and the peoples of Africa;

(b) Defend the sovereignty, territorial integrity and independence of its Member States;

(c) Accelerate rapid political and socio-economic integration of the Continent;

(d) Promote and defend African Common Positions on issues of interest to the continent and its peoples;

(e) Encourage International Co-operation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;

(f) Promote peace, security, and stability on the continent;

(g) Promote democratic principles and institutions, popular participation and good governance;

(h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments;

(i) Establish the conditions which enable the continent to play its rightful role in the global economy and in international negotiations;

(0) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;

(k) Promote co-operation in all fields of human activity to raise the living standards of African peoples;

(I) Co-ordinate and harmonise the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the union;

(m)   Advance the development of the continent by promoting research in all fields in particular in science and technology;

(n)   work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

The AU objectives are different from and more comprehensive than those of the OAU. Article II of the OAU Charter stipulates the following as the objectives of the organisation:

(a)   To promote the unity and solidarity of the African States;

(b)   To co-ordinate and intensify cooperation and efforts to achieve a better life for the peoples of Africa;

(c)   To defend their sovereignty, their territorial integrity and independence;

(d)   To eradicate all forms of colonialism from Africa;

(e)   To promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

It is important to understand the mission, achievements and failures of the OAU to establish a stronger body based on our understanding of the previous body. There is much literature available on this subject. South Africa could play an important part by injecting a Southern African flavour into the formation of the new bodies such as the African Union. Although South Africans, such as the late Oliver Tambo, Alfred Nzo and others, played a role in the creation of the OAU, they did so as freedom fighters against a colonial rule in their country, and not as representatives of a state. Now is the time for South Africa as a country to play an active part in deliberations on the proposed structures. So far, South Africans have not played a significant part, judging from existing documents and observations in Libya in May 2000. The South Africans' role, so far, has been limited to a legalistic approach, which involves the clarification of the Clauses and Articles of the draft documents. In my opinion, South Africa could do more than this. Indeed, one can still view. South Africa's role in the OAU as a potential, instead of an accomplished fact.

The Way Forward

The drafting of the Constitutive Act of the African Union by the Ministerial Meeting on 2 June 2000 cleared the way forward for the establishment of the African Union and its organs. The OAU Summit, which was held in Lome, Togo, from 10-12 July 2000 adopted the Constitutive Act of the African Union. (The majority of OAU member states have signed the Constitutive Act of the Union. The heads of the governments of South Africa and Nigeria, Presidents Thabo Mbeki and Olusegun Obasanjo respectively, only signed it on 8 September, in New York, where they were attending the UN Millennium Summit. The next major meeting on the African Union, which is referred to as Sirte II, an extraordinary session of the Assembly of Heads of State and Government, will be held in Libya at some point in the year 2001. That meeting will decide on the implementation of the African Union treaty to mark the effective operation of the AU.

Although there now seems to be light at the end of the tunnel regarding the creation of the African Union, there is still a lot of work to be done towards the establishment of a Pan-African Parliament. The construction of this organ of the AU would require more input from various constituencies. The draft Constitutive Act of the African Union does not say much on the PAP, except for mentioning it in two clauses of Article 16. It states:

1. 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.

2. The terms of reference, composition, powers and organisation of the Pan-African Parliament shall be defined in a Protocol attached hereto.

The notion of creating a Pan-African Parliament invokes nationalistic concerns from some member states of the OAU. The main issues are its composition, jurisdiction and powers, and whether such a body would have an Executive Branch to enforce its legislative enactments. Regarding the jurisdiction and powers of the PAP, the primary concern is whether this body would have supra-national powers/prerogatives over existing national parliaments. There is still no consensus on many issues pertaining to the creation of a PAP. Some participants at the meeting of legal experts and parliamentarians in Tripoli noted that, "the process of electing Members of the Pan-African Parliament, in the context of a continent-wide electoral process, would not only be too costly but would present severe administrative and logistical challenges to member States". Instead, as an initial step, they recommended that the national parliaments or other appropriate legislative structures be allowed to select their own representatives to the PAP. This method of selecting representatives, they argued, would speed up the implementation process for the PAP. However, there was no mention or discussion of the actual composition of the members of the PAP and how many persons would represent each country.

While the legal experts and parliamentarians held their meeting in Libya, the Africa Institute of South Africa had organised a conference on the theme of the United States of Africa?" which ran from 30 May to 2 June 2000. At that conference, Stephen Rule presented a paper dealing with this vexed question of the possible composition of the Pan-African Parliament (see his paper in this volume). He suggested an equal representation of OAU member states to the PAP. According to a formula of four seats per country, the PAP would have 412 members. However, as he pointed out, if we allocate an equal number of seats" to small as well as large countries, Nigeria for instance might find it difficult to accept equal representation with a small country like Djibouti. He thus suggested other methods, such as using the population size or Gross National Product (GNP) of each member state to determine its representation at the PAP. Indeed, the issue of the composition of the PAP needs careful consideration. South Africa could playa part here by being proactive in opening up debate on this question. There is a need to begin brainstorming the issue with those who are involved in the discussions on the creation of the new bodies, which would replace the OAU. The Africa Institute, among other civil society bodies, could play a part by organising seminars or workshops on the PAP's creation and composition.

Although all the OAU member states have endorsed the idea of creating an Pan-African Parliament, so far no state has clearly articulated the nature, composition and functions of this body. Some delegates at the legal experts and parliamentarians' meeting in Tripoli from 27-29

May recommended that a meeting of parliamentarians be convened to explore the establishment of the PAP. They argued that such a meeting would be informed by the experiences of existing and emerging regional parliamentary organs like the SADC Parliamentary Forum, the ECOWAS Parliament and the proposed parliaments of the EAC and UEMOA. They further contended that lessons could be learned from the experiences of the Latin American/Andean Parliament and the Asia-Pacific Parliamentary Forum. It strikes me as odd that there is no reference to the European Parliament as a possible reference point for insight into the creation of the PAP. I would recommend that those involved in theorising the implementation of the PAP ought to consider the experience of the European Parliament. Issues of state sovereignty which are bound to come to the fore could be handled with care with insight from the knowledge gained from studying the tribulations leading to the formation of the European Parliament and other continental parliaments.

The Ministerial Conference also did not discuss the nature, composition and jurisdiction of the PAP. President Konare remarked that for a starting point, "it was not necessary for such an institution to be a supra-national body but rather a forum that allowed for discussions and exchange of views on the African Union, as well as the participation of political parties and civil society in the project". This statement was an obvious reference to an unresolved point from the earlier meeting of the legal experts and parliamentarians where a question was raised regarding the powers of Parliament. The question was whether the proposed Parliament would be equipped with "supra-national prerogatives vis-a-vis National Parliaments". Those who attempted to answer this question suggested that, "if the Parliament were to be vested with supra-national powers, it would be necessary to define the nature of the Executive Branch that would enforce its legislative enactments". Therefore, the notion of the creation of a Pan- African Parliament is still fraught with ambiguities, which must be distilled by the OAU member states.

Some delegates at the meeting of legal experts and parliamentarians and the Ministerial Conference in Tripoli have suggested that there is a need to popularise the ideals and objectives of the African Union and the Pan-African Parliament. This task of familiarising citizens of various countries with the envisaged new bodies rests squarely on individual countries, and most likely on NGOs and civil society.

There are other issues that are currently not yet on the table for discussion which nevertheless merit consideration. The draft treaty establishing the African Union suggests that the organs of this body will be decentralised, i.e. they will be located in various countries instead of the current OAU arrangement where everything is based in Addis Ababa, Ethiopia. We need to develop a viewpoint on this issue before it becomes a bone of contention. The decentralisation notion involves the locus of power for various organs. The question for each country might be whether or not it wants to host one of the AU organs. To answer this question adequately, we need to consider what it means to be a host of an organ of a continental organisation such as the African Union. What are the responsibilities and international obligations if a country were to provide a venue for one of the AU organs? Do they have the capacity and resources to do so?

Notwithstanding the preceding discussion regarding the creation of the African Union and its organs, there is an urgent need for civil society, intellectuals, and other non-political actors to be involved in the discussions of the establishment of this body. Otherwise, the proposed African Union may not differ from its predecessor, the OAU, in becoming a meeting forum for

the heads of states and their associates, or as one scholar has said, "a debating club of African presidents and their diplomats". The history of the OAU demonstrates that, left to their own devices, African leaders do not act in the interests of the masses. Indeed, the late distinguished African intellectual, Claude Ake, had a point when he referred to African leaders as "people of limited vision and tyrannical inclinations". Thus, for the proposed African Union to be different from the currently sterile OAU, it must provide a space for the involvement of civil society and other non-political formations.

In spite of a series of OAU summits, meetings of legal experts, the signing of treaties, draft treaties and declarations towards the establishment of the African Union, and some vague statements about the involvement of civil society in such an organ, there is still no visible involvement of civil society groups in the actual process of the creation of the African Union. A group of African NGOs, writers, foundations and artists is reported to be preparing to launch in Brazzaville, Congo, a "crusade for speeding up the creation of the African Union". Leopold Pindy Mamonsono, the Congolese writer and President of the writers and artists group of Central Africa, spearheads this body. This is indeed a positive step by civil society to take the initiative in influencing the process of establishing the African Union. In so doing, the AU might differ from its predecessor, the OAU, by being a peoples', instead of a political leader's institution. However, of equal importance in Mamonsono's initiative is the act of publicising the creation of the African Union. The majority of African governments have so far failed to publicise the formation of the proposed African Union and its organs in their respective countries. Thus discussions on the formation of this institution have remained within the corridors of political power. Therefore, a way forward must include a dissemination of information on the creation of the proposed African Union in each African country through various media, public debates, seminars, workshops and conferences. The public must be encouraged to debate its views on the African Union and its organs. By so doing, the public would provide input into the formulation of a body which would affect it once enacted. If the proposed African Union is to serve the African masses differently from the ineffective OAU, it must be a people-driven organisation right from the onset.

African governments, for their part, still have a lot to do to make the African Union a success. They still have to engage in an earnest discussion as to what it is that they are prepared to surrender to the jurisdiction of the proposed African Union. The current African political leadership has not yet resolved some of the challenges which faced the founding fathers of the OAU. Scholars of African affairs noted certain obstacles to the idea of African unity as early as 1963. For example, John Marcum noted that "local patriotism may soon militate against political unification with other states whose political and economic orientations differ, and interest in larger mergers may lessen to the degree that new states prove economically viable". Others have observed that "with few exceptions, the present [1969] leaders of Africa lack the will and the ideological framework to achieve political unity… National internal insecurity, often a result of the insecurity of the leaders themselves, has contributed to the abandonment of the Pan-Africanist idea".

Nationalism was one of the obstacles to African unity in the 1969. However, nationalism as not an insurmountable problem in the realisation of African unity. Rather, Africa of the 1960s lacked a collective leadership with a broader vision, which went beyond the inherited colonial boundaries. Thus one scholar has accurately remarked that "[t]he fact remains that without leaders who are committed to international unification due to personal ambitions and parocholism [sic], the attainable ideal of a United States of Africa will hardly be pursued and

realized". This begs the question: is the current leadership in Africa committed to the idea of African Union or unity beyond a rhetorical level, and can it demonstrate such a commitment with tangible actions? Are the current African leaders ready to surrender any part of their executive powers to the proposed African Union? An African Union will only become achievable once the current African leadership addresses questions such as these. The success or failure of African unity lies squarely on the leadership's commitment or lack thereof. One scholar has correctly observed that "...the major obstacle to African unity is the African leadership itself and not nationalism or external forces".

Needless to say there are benefits awaiting a united Africa in its dealings with other continents. Once Africa creates an effective African Union, it will "exert its due influence in world affairs and then only will Africa deserve the respect of the nations of the world".

Conclusion

This paper has discussed the processes involved in the creation of an African Union, African Economic Community and Pan-African Parliament. I have argued that the establishment of such institutions will ultimately lead to the replacement of the ineffective OAU. This move should be welcomed, for the OAU has served its mission and it is now time to replace it with a structure geared towards addressing the current needs of the continent. International relations have changed dramatically since the end of the Cold War, the collapse of apartheid rule in South Africa - the last colonial rule in Africa - and the emergence of the phenomenon of globalisation. Therefore, the African continent must reposition itself for the new realities of international relations. The creation of the proposed bodies is an attempt to do just this. Moreover, we should not discuss the newly proposed bodies without simultaneously discussing the future of the OAU, as some scholars have attempted to do. The proposed structures are contiguous upon each other and as such ought to be discussed as a whole. Sources indicate that Libya has now established a ministry for the African Union, which demonstrates the seriousness with which Libya views the creation of the African Union and its own role in it. Other African countries should follow this example.

Notes and References

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2.   M. Azevedo, 'Obstacles to Pan-Africanism: Real Or Imaginary', *Africa and the World: A Quarterly Journal of African Affairs, V*ol.1, n° 4, July 1988, p 1.

3.   *Ibid,* p 2.

4.   For a discussion of the CSSDCA, see O Obasanjo and FGN Mosha (eds), *Africa: Rise to Challenge: Towards a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA),* African Leadership Forum, 1992.

5.   Tr*eaty Establishing the African Economic Community,* p 3.

6.   These regional economic communities have received much scholarly attention. See, for example, the collection of essays in D. Mazzeo (ed), *African Regional Organizations,* London: Cambridge University Press, 1984.

7.   *The Draft Treaty Establishing the African Union,* Addis Ababa: OAU, February 2000 (the Sirte Declaration); *Draft Protocol on the Establishment of the Pan-African Parliament,* Addis Ababa: OAU, February 2000.

8.   Note that the Libyans produced two versions of the Sirte Declaration.

9.   See *Draft Report of the Second Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan African Parliament,* Sirte/Exp/Draft/Rpt (II), Tripoli, 29 May 2000.

10.   *Preliminary Draft Treaty Establishing the African Union,* Re.:CAB/LEG/23.15/1/Vol.IV / Rev. 2, Addis Ababa: OAU, September 2000, p 14.

11.   *Ibid,* p 13.

12.   See Article 2: Establishment, in *Report: Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan-African Parliament,* CAB/LEG/23.15/6.Vol. IV; 17-20 April 2000, Addis Ababa: OAU, p 5.

13.   *Ibid,* pp 5-6.

14.   See Article 12: Organisation, in *Preliminary Draft Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament,* Addis Ababa: OAU, 2000, p 8.

15.   See Article 14: Sessions in *ibid.*

16.   *See 2.2 of the Non[e] Paper one page fact sheet which deals with three issues: The Imperatives for a Sound Foundation for the AU and PAP; The African Union, and Pan African Parliament. This fact sheet was distributed on 25 May 2000, by J. Schneeberger, Legal Section of the Department of Foreign Affairs, to the South African delegation in Libya attending the Second Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan-African Parliament, 27 -29 May 2000, Tripoli, Libya.*

17.   See 3.2 in *ibid.*

18.   See 3.4 in *ibid.*

19.   *For an the organs of the AU, see Draft Constitutive Act of the African Union,* REV I, 03/06/200, Tripoli: OAU, p 7. This draft constitutive act emerged from the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament, 31 May- 2 June 2000, held in Libya.

20. *Draft Rapporteur's Report* of the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament, 31 May-2June 2000, Tripoli, p 10.

21.   *Ibid,* p 13.

22.   *Ibid,* p 11.

23. See *Draft Constitutive Act of the African Union,* pp 4-5.

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27. Obasanjo, Mbeki Sign African Union Constitutive Act', http:www/ /allafrica.com/stories/200009150.html, 11 September 2000, p 1.

28. For the expression of these future events, see the statements of Presidents Konare and Rawlings in *Draft Rapporteur's Report,* of the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament, 31 May-2 June 2000, Libya, pp 12 and 13, respectively.

29. See Article 16 of the *Draft Constitutive Act of the African Union,* p 11. I have not seen the Protocol referred to in clause 2 of this Article.

30. *Report of the Second Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan-African Parliament,* pp 10-11.

31. *Ibid,* pp 10-11.

32. *Report of the Second Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan-African Parliament,* 27-29 May 2000, Tripoli, p 11.

33. R. Corbett, F Jacobs and M Shackleton, *The European Parliament,* 3rd I i; Edition, London: Cartermill International, 1995. Also see a study written by the Club de Bruxelles under the direction of C Ferdinand, *The Future of Relations Between the European Community and South Africa,* 1993.

34. See Konare's statement in *Draft Rapporteur's Report of the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament,* 31 May- 2 June 2000, Tripoli, p 11.

35. *Report of the Second Meeting of Legal Experts and Parliamentarians on the Establishment of the African Union and the Pan-African Parliament,* 27-29 May 2000, Tripoli, p 11.

36. *Ibid.*

37. *Ibid"* p 9; *Draft Rapporteur's Report of the Ministerial Conference on the Establishment of the African Union and the Pan-African Parliament,* 31 May to 2 June 2000, Tripoli, p 11.

38. S. Nyang, !Editorial', *Africa and the World: A Quarterly Journal of African Affairs,* vol.1, no 4, July 1988, p iv.

39. W Mwalilino, An Interview with Claude Ake', *West Africa Review,* vol. 2, no 1, 2000, p 3.

40. 'Crusade Launched to Help OAU Achieve African Union', PANA, http:www //allafrica.com:/stories/200009090 179.html, 9 September 2000, p 1. Some scholars have long advocated the involvement of the African masses in espousing the idea of Pan-Africanism and African unity. See for example Azevedo 1988, pp 5-6.

41. Quoted by Azevedo 1988, p 2.

42. *Ibid.*

43. The problematic nature of the inherited colonial boundaries in post- colonial Africa has long received scholarly attention. See for example CG Widstrand (ed), *African Boundary Problems,* UPPSALA: Scandinavian Institute of African Studies, 1969.

44. Azevedo 1988, p 3.

45. *Ibid,* p 5.

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