



Alastair SUTTON

The European Union's Single Market
(1985-2011): A Regulatory Model
and an Economic Magnet

Page 12

Dr. Sanny AGNORO

Promotion du Commerce: Opportunité
de Croissance de Développement
et de Consolidation du Processus
d'Intégration Régionale Africaine

Page 18

Desmond Dinan

Promotion of the Internal Market:
Can Africa learn from Europe?

Page 22

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Integration, Trade and Internal Market:

Shared European and African Experiences

Intégration, Commerce et Marché Intérieur:

Echange d'expériences européennes et africaines



African Union Commission



Integration, Trade and Internal Market: Shared European and African Experiences Intégration, Commerce et Marché Intérieur: Echange d'expériences européennes et africaines

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Can Africa Learn from the Shortfalls and Successes of Europe?

Dr. Maxwell M. Mkwezalamba

Commissioner for Economic Affairs | African Union Commission

With the establishment of the African Union (AU) and Regional Economic Communities (RECs), Africa has taken major strides in promoting regional and continental integration. This has been done in order to provide a basis for integrating Africa into the global economy, promote sustainable socio-economic development, reduce poverty and make progress toward the attainment of the Millennium Development Goals (MDGs).

Africa's leaders, in 1963, guided by their foresight, concluded that unity was the way forward for the Continent and decided to form the then Organization of African Unity (OAU). This historic event was followed by a series of milestones in the quest to create a single, unified and integrated Africa. These included the adoption of the Lagos Plan of Action and Final Act of Lagos in 1980; the adoption of the Treaty establishing the African Economic Community, also known as the Abuja Treaty, in 1991; the Sirte Declaration of 1999, which focused on reviewing the Abuja Treaty and accelerating its implementation; the establishment of the African Union and the adoption of the New Partnership for Africa's Development (NEPAD) programme in 2001; and the launch of the African Union in 2002.

There is recognition that the strength and speed of continental integration is dependent, largely, on progress of integration made at the regional level. In fact, the Treaty Establishing the African Economic Community (Abuja Treaty) has identified the RECs as the building blocks of Africa's continental integration. Therefore, the activities of RECs must be supported in order to accelerate regional and continental integration.

In the area of trade, the AU and the RECs have a broad range of objectives, including free movement of goods, services and capital within the continent. Such free flow can only be guaranteed by existence of strong political will together with

the implementation of such policy measures as adoption and implementation of trade liberalization Agreements and Accords at regional and continental levels as well as concrete actions such as cross-border infrastructure development. However, the inadequacy of financial resources, the lack of effective coordination at regional and continental levels and the reluctance by Member States to relinquish some sovereignty remain some of the problems inhibiting Africa's progress towards an integrated market.

It is important that Africa learns from the experiences of other regional bodies such as the European Union (EU), with a view to addressing some of the challenges of integration that it confronts. The EU's progress is significant, in that it has overcome the various obstacles and challenges it faced in the initial stages of founding its internal market. This gives Africa the opportunity to build on tested models of internal markets. Since the Single European Act came into force in July 1987, an enabling instrument for the single market for Europe, the EU has been able to eliminate and reduce physical, technical and tax barriers. The ground work policies for the European single market cover the liberalization of transport, increased competition and greater unanimity for the consumer, amongst others.

Africa, therefore, would benefit from learning from Europe's experience in integrating its economies. It is obvious that Africa cannot simply adopt European models and policies as they are. Rather, the good practices could be adapted to suit the realities of the Continent. Within the framework of the implementation of the Joint Africa-EU Strategy (JAES), huge opportunities exist for the sharing of experiences. The AU Commission will continue to work closely with the European Commission within the JAES framework with this objective in mind. 🌍

Dr. Maxwell M. Mkwezalamba
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Foreword

H.E. Amb. Koen Vervaeke

Head of Delegation | Delegation of the European Union to the African Union

Africa and Europe are both currently undertaking parallel ambitious integration projects. At the same time they are subject to the effects of increased interaction between each other and with other regions brought about by globalization forces. The drive towards regional economic integration in both continents is needed in order to boost growth, promote technological change, and set the basis for long-term increases in welfare by creating competitive economies. In addition to economic gains, the most important byproduct of integration is greater political stability and diminishing risks of regional conflicts.

There is no doubt that Europe and Africa are at very different stages in their integration processes. The first steps towards regional integration in Europe started shortly after the devastation of the Second World War with the creation in 1951 of the European Community for Coal and Steel. Six countries—Belgium, Luxembourg, the Netherlands, Italy, and most importantly France and Germany—decided to create a supranational authority that would supervise the setting up of a common market for coal and steel. These countries decided that pooling sovereignty was necessary not only to set the basis of Europe's economic recovery but also to avoid future conflicts by promoting greater economic integration.

A long way has been travelled since then. The membership of the European Union has gradually risen to 27 member states, and geographically the EU now covers most of Western and Eastern Europe. Almost all goods and services, as well as people and capital are now free to circulate within the EU's borders. And, despite the problems that the monetary union is currently experiencing as a result of the global economic crisis, the euro, which has been adopted by 17 member states, remains one of the most visible symbols of our economic integration.

The main principle behind the EU's common market is the idea of internal competition and the benefits of economies to scale. The economic benefits that economic integration has brought to Europe are undeniable. As an example, guaranteeing internal competition in the public procurement sector, which accounts for about 17% of the region's GDP, has reduced prices by about 10%. Most importantly, internal competition

within the EU has allowed the region to promote technological innovations and to allow its member states to adapt to an increasingly competitive global environment.

The European private sector has been one of the drivers of the integration process. Although the process of European integration is often perceived and presented to the outside world as having been driven by visionary politicians who believed in a united Europe, in reality it was the coalition built between these politicians and large sections of the European private sector, which allowed to overcome the resistance of national leaders to devolve some sovereignty to European institutions. The private sector wanted regional integration because it believed in the economic benefits that the process could deliver. European integration has not been a linear process. When European institutions have focused on process very little progress has been achieved. In contrast, when institutions have focused on building strong coalitions with the private sector and with wide sections of society, much progress has been delivered in a relatively short period of time.

Of course economic integration might create tensions. At some point, some countries may derive more benefit than others and some industries may be adversely affected in the short-term from being exposed to external competition. However, if the net economic benefit between winners and losers is positive, there are always ways of redistributing those gains both through longer-term market developments and government intervention. This is an imperative to obtain both political and popular support for regional integration. The EU has set up a series of compensation funds that not only try to compensate those countries and sections of society that are more vulnerable to liberalisation, but that also aim to increase in the long-term their capacity to compete by building up the necessary infrastructure or investing in enhancing the skills of disadvantaged groups.

In order to guarantee the efficient working of the common market, EU member states have had to devolve some sovereignty to European institutions. The European Commission monitors the evolution of the common market, has the capacity to enforce new regulations, and investigates whether competition is properly working. The European Court

Foreword

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of Justice decides if breaches to European legislation have occurred and has the capacity to impose substantial fines on member states. The integrity and competence of these institutions is crucial to ensure continuous support for the pooling of sovereignty among member states.

However, although Europe has made great progress towards establishing a common market, there are still many challenges that the EU faces today. The internal market is far from complete and accompanying measures need to be adopted to reap the full benefits of regional integration, especially in the area of services. In addition, legislation needs to be continuously adapted to take into account technological innovations, such as the rise of the internet and the emergence of e-commerce.

The African experience in regional economic integration is very different from the European one. The membership of the regional economic communities and of the African Union were determined for political purposes before a decision was taken on which sectors should be integrated. Despite this constraint, critical progress towards liberalizing trade has already been achieved by some regions. In some regions the establishment of a common market has become a very distinct possibility in the short to medium term. The 2012 AU Summit on “Boosting intra-regional trade” presents itself as a clear opportunity for African leaders to speed up the processes that could lead to the establishment of a truly integrated internal market for Africa. 🌍

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Foreword



Dr. Maxwell M. Mkwezalamba

Can Africa Learn from the Shortfalls and Successes of Europe?

Page 3



H.E. Amb. Koen Vervaeke

Foreword

Page 4

Introduction



Dr. René N'Guettia Kouassi

Economic and Political Integration of Africa: Sharing of Sovereignty to Succeed

L'Intégration Economique et Politique de l'Afrique: Partager les Souverainetés pour y Parvenir

Page 5

Insight



Alastair SUTTON

The European Union's Single Market (1985-2011): A Regulatory Model and an Economic Magnet

Page 12



Dr. Sanny AGNORO

Promotion du Commerce: Opportunité de Croissance de Développement et de Consolidation du Processus d'Intégration Régionale Africaine

Page 18



Desmond Dinan

Promotion of the Internal Market: Can Africa learn from Europe?

Page 22

In Focus - Integration and Sovereignty

Dr. Adams Oloo

Integration and Sovereignty: The Case Of Africa

Page 30

Dr. René N'Guettia Kouassi

Integration and Sovereignty: Our Point of View

Page 37

Dr. Joram M. BISWARO

Integration and Sovereignty

Page 42

In-Action - Contributions

Denis Atabong

The Inter-African Wars of Independence: Are They Necessary?

Page 53

Statistics Unit

Strategic Action Plan for Implementation of AfricaInfo Database Initiative 2011-2015

Page 56

contents



Introduction

Economic and Political Integration of Africa:

Sharing of Sovereignty to Succeed

L'Intégration Economique et Politique de l'Afrique:

Partager les Souverainetés pour y Parvenir

Dr. René N'Guettia Kouassi

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We will never stress enough that the development of Africa is almost impossible in the absence, among others, a genuine sharing of individual sovereignty of the States. Today, one of the major handicaps to the Regional and Continental integration process lies in the persistence of national sovereignty notwithstanding the adoption of several projects and programmes calling for its partial or total dismantling. It is appropriate to recall here that the ratification by several African countries of the Abuja Treaty Establishing the African Economic Community, reference model of the Regional and Continental integration processes, is an implicit, indeed an explicit, recognition of a partial transfer of their sovereignty to the RECs and the OAU which has become the AU, organs in charge of translating the Treaty into deeds. In other words, the Abuja Treaty calling for the establishment of Free Trade Areas, Regional Customs Unions, a Continental Common Market, a Continental Economic and Monetary Union, constitutes an invitation to the African countries that have ratified it, to cede part or all of their sovereignty jealously guarded so far. It is a truism to affirm that the above-mentioned decisive steps cannot be achieved without losing sovereignty. The common external tax, the African common currency, the Pan African Parliament, the African Court of Justice and so on are so many tangible elements symbolizing the need for partial or total removal of national sovereignty.

As a matter of fact, all the actions by the African leaders to take a step forward in the integration process tantamount to a transfer of sovereignty. To refuse to understand such logic or to refuse to support it, means to turn one's back to the collective efforts for integration. This collective effort required is in line with the solidarity between the States or between the Communities without which all integrative projects will be mere dreams. Here, the transfer of sovereignty to a supranational structure in charge of carrying out successfully the integration project constitutes the backdrop of all success in integration. Here also the European model may be emulated. The

On ne le dira jamais assez, le développement de l'Afrique est quasi-impossible en l'absence, entre autres, d'un véritable partage des souverainetés individuelles des États. Aujourd'hui, l'un des handicaps majeurs au processus d'intégration régionale et continentale, réside dans la persistance des souverainetés nationales, et ce nonobstant l'adoption de plusieurs projets et programmes invitant à leur démantèlement partiel ou total. Il convient de rappeler ici que la ratification du Traité d'Abuja instituant la Communauté économique africaine, modèle de référence des processus d'intégration régionale et continentale, est une reconnaissance implicite et explicite, d'un transfert partiel de la souveraineté des États Africains aux CER et à l'OUA devenue l'UA, organes chargés de traduire dans les faits ce Traité.

En d'autres termes, le Traité d'Abuja, qui vise à instaurer des zones de libre échange, des unions douanières régionales, puis une union douanière continentale, un marché commun continental, ainsi qu'une union économique et monétaire continentale, constitue une invitation pour les pays africains qui l'ont ratifié, à se dessaisir de tout ou partie de leur souveraineté jalousement gardée jusqu'à maintenant. Car il est incontestable que les étapes décisives susmentionnées ne peuvent être atteintes sans une nécessaire perte de souveraineté. Ainsi, la taxe extérieure commune, la monnaie commune africaine, le Parlement panafricain, ou encore la Cour de justice africaine sont autant d'éléments tangibles symbolisant la nécessité de l'effacement partiel ou total des souverainetés nationales.

En fait, tous les actes à poser par les leaders africains pour avancer plus en avant dans le processus d'intégration sont synonymes de transfert de souveraineté. Refuser de comprendre une telle logique ou refuser d'y souscrire, revient à tourner dos à l'effort collectif d'intégration. Cet effort collectif exigé se situe dans la droite ligne de la solidarité entre États ou entre Communautés sans laquelle tous projets intégrateurs s'apparenteraient à des utopies. Le transfert de souveraineté à une structure supranationale chargée de conduire à bon port le navire de l'intégration constitue la toile de fond de tout succès en matière d'intégration. L'expérience européenne

European single market, symbol of success, indeed the realization of a real internal market, is based on the shared acceptance of loss of sovereignty. As a reminder, one should recall that the European integration was guided by the Treaty of Rome, adopted in 1957 which aimed at the establishment of a Common Market. That important project required the gradual elimination of barriers put up by the Member States to trade. The elimination of barriers first focused on the goods market. Then it was extended to the supply of services and foreign investments. This led to the adoption of the Single Act in 1987, aimed essentially at a Common Market, a single market. As a result, the establishment of the Single Market led to the dismantling of all the traditional tools used by Member States to guide or encourage their economic agents. For example, it relates to the subsidies, preferences in awarding tenders, control of mergers or purchase mergers and so on. As a corollary to the establishment of a Single European Market, the countries, to promote economic activities on their territories, could put into motion one lever only: offer a climate conducive to enterprises or the development of business in terms of quality of infrastructures, skilled manpower, flexibility of the labour market, reduction of taxes and so on.

The European integration, from an economic point of view, appears as a successful model which should inspire all the Regions striving for their economic and political integration. This European success reached its peak with the advent in 2002 of the single currency which built on the single market already mentioned. In Europe, the national currencies, symbols by excellence of the manifestation of sovereignty, ceased to exist in favor of the single European currency. This transfer of sovereignty to the European Union was indispensable to climb to a higher stage, indeed realize the ultimate step of economic integration. Today, this economic integration is being consolidated. The attempted solutions to the Greek, Portuguese, Irish and may be Spanish crises which threaten the very existence of the Euro, if they prove to be effective and sustainable, will make the success of European integration irreversible. Similarly, if the success were coupled with political integration, and it succeeded also, the European space would show that the transfer of sovereignty does not constitute a threat for the disappearance of countries but rather a condition for their survival. If Europe, which had gone through two World Wars, some consequences of which are still visible, has accepted, reluctantly, to sacrifice large parts of its national sovereignty build its economic integration which will soon

abonde en ce sens, et doit nous servir d'exemple. Le marché unique européen, pièce maîtresse de l'accomplissement d'un véritable marché intérieur, est fondé sur l'acceptation partagée de perte de souveraineté. Pour mémoire, l'intégration européenne a été encadrée par le Traité de Rome adopté en 1957 avec pour objectif l'avènement d'un marché commun. Cet important projet nécessitait l'élimination progressive des barrières aux échanges commerciaux entre les États membres. L'élimination des barrières portait d'abord sur le marché des biens. Elle s'est ensuite étendue à la fourniture des services, et aux investissements étrangers, ce qui a amené à l'adoption de l'Acte unique en 1987, visant essentiellement à faire du marché commun, un marché unique. Comme résultat, la construction du marché unique a conduit au démantèlement de l'ensemble des outils traditionnels utilisés par les pays pour encadrer ou favoriser leurs acteurs nationaux. Il s'agit par exemple des subventions, des préférences dans l'octroi des marchés publics, du contrôle des fusions ou des fusions-acquisitions, etc. Comme corollaire à l'avènement du marché unique européen, les pays, pour promouvoir l'attractivité de leur territoire, ne pouvaient actionner qu'un seul levier : offrir un environnement favorable aux entreprises et à l'épanouissement des affaires en termes de qualité des infrastructures, de qualification de main d'œuvre, de flexibilité du marché de travail, de réduction des charges fiscales, etc.

L'intégration européenne, d'un point de vue économique, apparaît comme un modèle de succès qui doit inspirer toutes les régions qui œuvrent à leur intégration économique et politique. Ce succès européen a atteint son paroxysme avec l'avènement en 2002 de la monnaie unique qui consolide davantage le marché unique déjà évoqué. Dans les pays membre de l'Eurogroupe, les monnaies nationales, symboles par excellence de la souveraineté des États, ont cessé d'exister au bénéfice d'une monnaie unique européenne. Ce transfert de souveraineté vers la Banque Centrale Européenne a été indispensable pour gravir une étape supérieure de l'intégration économique. Aujourd'hui, cette intégration économique est en train d'être consolidée. Les tentatives de solution aux crises Grecque, Portugaise, Irlandaise et peut-être Espagnole qui menacent l'existence même de l'Euro, si elles s'avéraient efficaces et durables, achèveraient de rendre irréversible le succès de l'intégration économique européenne. De même, si ce succès était doublé d'une intégration politique, elle aussi réussie, l'Europe finirait par démontrer que le transfert des souverainetés n'est pas une menace pour la disparition des pays, mais plutôt une condition de leur survie. Si les pays d'Europe, qui ont été le théâtre de

To share sovereignty
today means to
guarantee tomorrow
the success of the
economic and political
integration of Africa.

Introduction

Introduction

l'Afrique serait transformée en un super-État fédéral dans lequel il n'y aura plus d'États nationaux membres parce que les frontières nationales n'auront plus de sens. Le choix des leaders africains pour les États-Unis d'Afrique constitue un symbole de transfert de souveraineté vers l'Union Africaine.

be accompanied by political integration, Africa has no right to hide behind sovereignty to impede its economic and political integration. In this perspective, one should recall that Africa, through the Declaration of the Accra, Ghana, Assembly in 2007, had already made the choice of its integration model. This model is the United States of Africa. The Accra Declaration states, among others, the following :

- 1 We agree to accelerate the economic and political integration of the African continent, including the formation of a Union Government for Africa with the ultimate objective of the African Union is to create the United States of Africa.
- 2 We agree on the steps to attaining the Union Government, among which, to rationalize and strengthen Regional Economic Communities, and harmonize their activities, in conformity with our earlier decision, so as to lead to the creation of an African Common Market, through the stages set in the Treaty Establishing African Economic Community (Abuja Treaty), with a reviewed and shorter timeframe to be agreed upon in order to accelerate the economic integration and where possible, political integration ;

Thus, the Accra Declaration provides for at the end of the process, the establishment of the United States of Africa. In other words, Africa will be transformed into a super Federal State in which there will be no national Member States since the national borders will no longer make any sense. The choice of the African leaders for the United States of Africa constitutes a symbol of transfer of sovereignty to the African Union.

But why this transfer of sovereignty on the ground is difficult? Why the ratification of the major texts like the Abuja Treaty, the AU Constitutive Act and others which call for a transfer of sovereignty remain far aloof from the objectives set? This gives the image of an Africa which officially (through the ratifications) accepts the alienation of national sovereignty but in concrete fact shows resistance to do it. Everything, therefore, leads us to believe that in Africa, the States want to remain for a very long time masters of the game in the sense that their behavior reflects that they perceive any progress towards the United States of Africa is a backward movement for the Nations. Can the United States of Africa project still resist the ardent

deux guerres mondiales dont certaines conséquences sont encore visibles, ont accepté de sacrifier des pans entiers de leur souveraineté nationale pour construire une intégration économique qui sera bientôt accompagnée d'une intégration politique, l'Afrique n'a pas le droit de se cacher derrière les souverainetés pour handicaper son intégration économique et politique. Dans cette perspective, il convient de rappeler que l'Afrique, à travers la Déclaration du Sommet d'Accra (Ghana) en 2007, a déjà fait le choix de son modèle d'intégration. Ce modèle, c'est les États-Unis d'Afrique. La Déclaration d'Accra, stipule, entre autres, ce qui suit :

- 1 Nous sommes convenus d'accélérer l'intégration économique et politique du continent africain, à travers, notamment la formation d'un Gouvernement d'Union pour l'Afrique, l'objectif ultime de l'Union africaine étant la création des États-Unis d'Afrique.

- 2 Nous sommes également convenus des mesures à prendre pour parvenir au Gouvernement de l'Union au nombre desquelles figurent la rationalisation et le

renforcement des Communautés économiques régionales, conformément à notre précédente décision afin de créer un marché commun africain à travers les phases prévues par le Traité instituant la Communauté économique africaine (Traité d'Abuja) avec un calendrier revu et plus court qui fera l'objet d'un accord en vue d'accélérer l'intégration économique et, si possible, politique.

Ainsi, la Déclaration d'Accra, prévoit à la fin du processus, l'avènement des États-Unis d'Afrique. En d'autres termes, l'Afrique serait transformée en un super-État fédéral dans lequel il n'y aura plus d'États nationaux membres parce que les frontières nationales n'auront plus de sens. Le choix des leaders africains pour les États-Unis d'Afrique constitue un symbole de transfert de souveraineté vers l'Union Africaine.

Mais pourquoi ce transfert de souveraineté se traduit-il difficilement dans les faits? Pourquoi la ratification des textes majeurs comme le Traité d'Abuja, l'Acte constitutif de l'UA, et d'autres, qui invitent à un transfert de souveraineté, reste-t-elle encore loin des objectifs visés? Cela offre l'image d'une Afrique qui officiellement accepte l'aliénation des souverainetés nationales; mais qui, dans les faits, manifeste une résistance à le faire. Tout porte donc à croire qu'en Afrique, les États veulent rester encore pour longtemps maîtres du jeu puisque leurs

desire of the States to cling to their sovereignty? The reply to this question is not easy more especially as the economic and political crises which multiply of the African Continent increasingly push the States to recoil on themselves; the trend to fall back on oneself has all the ingredients to disintegrate the Regions and the Continent.

This is why it is extremely urgent to invite the African leaders to consider the imperative need to open up our countries against the background of shared sovereignty. To share sovereignty today means to guarantee tomorrow the success of the economic and political integration of Africa. To refuse such an approach is to condemn Africa to remain in its present state of a divided, «balkanized » and fragmented Continent and in which the States live on illusions of having sovereignty which, in truth, are mere empty shells. And as one would say, any sovereignty which has no content, no power and no means of defense is simply a delusion. So why have “sovereignty - illusions” than to allow Africa integrate economically and politically ? Worse, what is the value of these “sovereignty - illusions” in the face of the challenges of globalization, the fight against poverty and sufferings, the fight against endemic and pandemic diseases? Africa must succeed in its economic and political integration in order to take up all these challenges. The sharing of national sovereignty is a sine qua non condition, indeed, an indispensable must so as to succeed. 🌍

attitudes montrent que toute avancée du continent vers les États-Unis d'Afrique est perçue par eux comme un recul pour les Nations. Le projet des États-Unis d'Afrique peut-il encore résister à la volonté des États à s'accrocher à leur souveraineté? La réponse à ce questionnement n'est pas aisée d'autant que les crises politiques et économiques qui se succèdent sur le continent africain poussent de plus en plus les États à se recroqueviller sur eux-mêmes. Or, la tendance à un repli sur soi recèle en son sein tous les éléments de nature à désintégrer les régions et le continent.

C'est pourquoi, il est extrêmement urgent d'interpeler les dirigeants africains sur l'impérieuse nécessité de décroquer les pays sur fond de partage de la souveraineté. Partager aujourd'hui les souverainetés, c'est garantir demain le succès de l'intégration économique et politique de l'Afrique. Refuser une telle approche, c'est condamner l'Afrique dans sa posture actuelle de continent divisé, « balkanisé », morcelé et dans lequel les États se nourrissent d'illusions d'être dotés de souverainetés qui, en réalité, ne sont que des coquilles vides. Et toute souveraineté qui n'a ni contenu, ni pouvoir, ni moyen de sa défense, est tout simplement une illusion. Pourquoi alors s'accrocher à des « souverainetés-illusions » pour empêcher l'Afrique de s'intégrer économiquement et politiquement? Qui plus est, que valent ces « souverainetés-illusions » face aux défis de la mondialisation, de la lutte contre la pauvreté et la misère, de la lutte contre les endémies et les pandémies? L'Afrique doit réussir son intégration économique et politique pour relever tous ces défis. Le partage des souverainetés nationales apparaît comme une condition sine qua non, voire un passage obligé pour y parvenir. 🌍

Introduction

Today, one of the major handicaps to the Regional and Continental integration process lies in the persistence of national sovereignty notwithstanding the adoption of several projects and programmes calling for its partial or total dismantling.



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The European Union's Single Market (1985-2011): **A Regulatory Model and an Economic Magnet**

by Alastair SUTTON*

Background

The purpose of this paper is to set out some personal reflections on the origins and development of the EU's Single Market between 1985 and the present day. It is intended to provide food for thought for policy-makers in the African Union, at a time when its Member States and the Commission are formulating their own approach to closer economic integration in Africa.

This is very much a personal perspective. As the legal advisor to the Commission Vice President¹ in the first Delors Commission between 1985 and 1989, I participated in the drafting of the Commission's 1985 White Paper on completing the internal market. I was also responsible for the enforcement of EU law, as well as the external aspects of the internal market.

Since 1989, I have practised European law in Brussels. My practice has covered virtually all aspects of the law of the Single Market, including its increasingly important external aspects. Thus, the contents of this short paper reflect both my experience as a Commission official and that of a practitioner who has advised third countries and economic operators from inside and outside the EU.

Three fundamental reflections

Looking back, it seems to me that three factors above all others distinguish the European integration process within the EU. First is its dynamic nature, driven by its supranational institutions. Foremost amongst these is the European Court of Justice. In contrast to "classical" international courts and tribunals (such as the International Court of Justice in the Hague), the European courts have - for the last 60 years - adopted a functional approach to the interpretation of the EU Treaties, so as to promote European integration. Traditionally, international

courts interpret treaties in a restrictive way, so as to impinge as little as possible on national sovereignty. The opposite is the case (with remarkably few exceptions) with the Luxembourg Courts. It is significant that three of the most fundamental principles of EU law have been formulated and developed by the ECJ and were not prescribed in the founding Treaties. These are the principle of "direct effect" (whereby EU law is of immediate application in national law, without the intervention of national parliaments,² of the "supremacy" of EU law over incompatible rules of national law and of the right of private parties to obtain remedies for breach of EU law by Member States.

Secondly, I recall a discussion with Vice President Cockfield in February 1985, when he asked whether the Single Market should be "without" internal frontiers or merely with "reduced" frontiers. The Delors Commission accepted his radical proposal to ask the Member States in the European Council in Milan in June 1985 to adopt the former unprecedented approach. This is now reflected in Article 26(2) of the Treaty on the Functioning of the European Union (TFEU), to the effect that "the internal market shall comprise an area without internal frontiers." The total dismantling of internal borders has undoubtedly reduced the "costs of non-Europe" for business; however, it led directly to the need to deal with cross-border crime (notably through enhanced judicial cooperation in civil and criminal matters) and the reinforcement of the EU's external borders in a common foreign and security policy.

Finally, it is clear that the rule of law in general and the effective (and timely) enforcement of EU law is of crucial importance to business and citizens alike. Without law enforcement, any economic integration project loses credibility. Arguably, one of the causes of the current crisis was the failure by national finan-

cial supervisors to detect - through sufficiently stringent checks in banks and other financial institutions - the excessive risk exposure of individual operators leading to the spread of contagion to the system as a whole. It is not clear that, with the exponential increase in the volume of rules now being enacted, that the issue of law enforcement (by the Commission or by national courts and enforcement authorities) has been adequately addressed.

In my view, all three of these fundamental issues which have characterized the process of European integration over at least the last 25 years, deserve serious study in the African context.

The origins (1950 – 1985) - the founding Treaties of the European Communities (now the EU)

The first Treaty (the European Coal and Steel Community Treaty of 1951) linked political and economic integration to the need to safeguard world peace and to "substitute for age-old rivalries the merging of their essential interests by the establishing of an economic community among peoples long divided by bloody conflicts and to lay the foundations for institutions which will give direction to a destiny henceforward shared."

I recall as a young Commission official in 1973 working for men (there were very few women in senior positions in those days) who have actually fought each other in the Second World War and who were now working together in the construction of a new Europe, where "civil wars" in Europe would be impossible. The fact that, until 1973, there were only 6 Member States (MS) – all of which had been ravaged by the Second World War - undoubtedly provided political impetus to economic integration in the early states.

I have no doubt also that the conclusion of the "Cold War" which divided the European Continent for 45 years owes

Insight

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much to the success of the Western economic “model” within the EU. I also believe – on the basis of my personal experience – that the need for States, national administrations and individuals to work together in supranational institutions is a formula which greatly reduces the possibility of conflict between nations.

The creation of a customs union as a first step

With 54 sovereign States compared with the original 6 in the EC in 1951, it is clear that Africa faces a formidable challenge in laying the groundwork for effective economic integration. It is important to keep in mind the modest initial steps taken by Europe more than 50 years ago. The original Treaties (ECSC, EEC and EURATOM) provided for the creation of a customs union in 12 years, between 1958 and 1970. In fact, the abolition of internal tariffs and the establishment of a common external tariff was achieved two years early, by 1968. Already by the late 1960s, the EC was participating as a single entity in the GATT (now the WTO) under its Article XXIV, through a common commercial policy.

The EC and EFTA divided – the need to choose between the customs union and free trade area models

The choice between the creation of a free trade area on the one hand and a customs union on the other was a crucial and divisive issue for Europe (some of the effects of which persist today in the EU's difficult relations with Switzerland). This may well be a difficult issue for African nations today. In post-War Europe, 6 States chose the closer integration and greater loss of sovereignty involved in a customs union, whilst 7 (including the United Kingdom) chose the free trade model.

The essential difference between the two economic models is that, in a free trade area, the Member States preserve their freedom to deal independently with third countries. A customs union – with a common external frontier as well as a reduction of internal tariff and non-tariff barriers – is at the core of the interna-

tional personality which characterizes today's EU.

In Europe, the “customs union” model has prevailed. Largely as a result of the economic importance of the EU's Single Market project, most EFTA countries joined the EU in 1995. Iceland, Turkey and the Western Balkan countries are “waiting in the wings” to join. And more than 100 other countries around the world are linked to the EU through preferential agreements. The EU therefore has become a legal model and an economic magnet for the rest of the world. In Western Europe only Switzerland, Norway, Iceland and Liechtenstein remain outside the EU, linked to it by a free trade area arrangement, whilst voluntarily adopting most of the EU “acquis”.

The need for enhanced integration in a genuine Single Market

Between 1980 and 1985 the European Council called repeatedly for a new initiative leading to closer economic integration and a substantial reduction in the costs of doing business in Europe. I witnessed Europe's declining economic competitiveness at first hand between 1979 and 1984 when I served in the Commission Delegation in Japan. This period was marked by “trade frictions” in sectors such as textiles, electronics, automobiles and agriculture. Many trade restrictions were introduced both by the EU (and its Member States), as well as the United States, particularly against imports from Japan.

Realizing that protectionism was counter-productive unless it was accompanied by the restructuring of declining European industries, the European Council instructed the Commission to prepare “a detailed program with a specific timetable” in early 1985 for the completion of a genuine Single Market, with the same economies of scale as a large national market such as the United States.

The Commission's 1985 White Paper on completing the internal market – a unique “roadmap”

This document is not only of great historical interest in the process of European

integration. It remains a practical example of the kind of roadmap which could be taken as a model by other groups of sovereign States which contemplate a similar process. It is well worth serious study by the African Union, as a possible template for action at Continental or regional level. The White Paper was approved unanimously by EU Heads of State and Government in the European Council in Milan in April 1985. It provides, inter alia, for:

- a The removal of physical barriers to the free movement of goods and people (i.e. frontier controls);
- b The removal of technical barriers to the free movement of goods (i.e. the different and often conflicting national standards and other technical obstacles);
- c The removal of restrictions on public procurement;
- d Free movement of workers and the professions;
- e The removal of fiscal barriers through the approximation of national tax systems (notably indirect tax such as VAT and excises).

Crucially, the methodology proposed to achieve these goals was a program of around 300 EU regulatory measures (to replace the conflicting national regulations), accompanied by a timetable which provided that all the measures had to be adopted and in place in national law by 31 December 1992 i.e. 8 years after the adoption of the White Paper.³

The device of an action plan accompanied by a politically-binding timetable has now been adopted almost as a standard practice in the EU, in fields such as justice and home affairs and financial services.

The total abolition of internal frontiers – unexpected wider consequences

The total abolition of frontiers in Europe was unprecedented in international relations and created a situation in Europe which had not existed since before the First World War. This radical step was endorsed by the European Council and given legal effect in EU law in the Treaty.

The abolition of internal frontiers and the extension of the customs union to an (embryonic) Single Market had a number of important consequences. First, within the EU, the increase in cross-border movement of persons (including criminals) accompanied by the advent of electronic communications (e-commerce) made it imperative to provide for cross-border cooperation between judges, police and law enforcement authorities more generally. EU-wide action in areas such as the prevention of economic crime (e.g. money laundering), as well as cooperation in civil and criminal justice, are now accepted virtually as an integral part of the Single Market process.

Secondly, although the EU always denied that the creation of a Single Market would lead to “Fortress Europe” and a reinforcement of external borders, there was a need to devise common external policies going beyond trade in order to promote cooperation between national security, defence, border agencies and to cover foreign affairs in its widest sense. These issues were addressed in the Maastricht Treaty (1992), which provided for a European Union with one supranational “pillar” dealing with economic integration and two inter-governmental “pillars dealing with cooperation in foreign and security policy on the one hand and justice and home affairs on the other.”⁴

The need for Treaty changes to address the governance of the EU – towards a constitutional arrangement for Europe

The complete abolition of internal frontiers on 31 December 1992 – was accompanied, simultaneously, by the entry into force of the Maastricht Treaty. This major “constitutional” change in the process of European integration was directly triggered by the success of the Single Market project in general and the abolition of internal frontiers in particular. The Maastricht Treaty built upon the more modest changes introduced in the European Single Act in 1986.

were developed, incrementally, by further IGCs, leading to:

- a The Amsterdam Treaty 1997);
- b The Nice Treaty (1999);
- c The Lisbon Treaty (2007).

From an African perspective, it is important to keep in mind that the current state of European integration is the result of 60 years work, with many set-backs along the way.⁷ Crucially in my view, the process has been driven - politically - principally by France and Germany, strongly supported – at least until now – by the Benelux countries and Italy (i.e. the original 6 “founder” States).⁸

Insight

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Specifically, it:

- a Created the concept of the European Union as a “three pillar structure”, combining the supranational EC with inter-governmental cooperation in foreign and security policy on the one hand and justice and home affairs on the other;
- b Extended decision-making by qualified majority voting (QMV) in the Council and the co-decision procedure for enacting EU legislation by the Council and the European Parliament, to most areas of the Single Market;⁵
- c Set out a timetable for the achievement of economic and monetary union (EMU);
- d Extended the substantive scope of EU law to new areas, in particular environmental and consumer protection.⁶

The fundamental changes introduced in the Maastricht Treaty built on those in the Single European Act of 1986 and

The Lisbon Treaty, which entered into force in January 2010, has abolished the “pillar” structure, endowed the Union with full legal personality and continued the incremental process of widening the scope of qualified majority voting in the Council and the role of the Parliament, not only as co-legislator with the Council, but also in external relations and - more generally – as the democratically –elected “watchdog” over the activities of the other institutions, notably the Commission. In short, it has provided the EU with a single institutional framework for all its activities – from the most minor adaptation of indirect tax for example to major issues of foreign policy – including all future enlargements.

The process of European integration has been a bumpy road

In the 66 years of my lifetime, Europe has avoided the “civil wars” which dominated my father's generation. Not only have France and Germany been at peace with

each other; they have also – together – been the joint locomotive of European integration from 1951 till the present day.

The extent to which this can be attributed to the process of European integration is debatable. I am convinced however, that the fusion of national sovereignty within the EU framework on the one hand and the work of the Council of Europe (and the European Court of Human Rights in particular) in the field of human rights, have played a central role in bringing peace and prosperity to Western Europe for an unprecedented period of 66 years.

The process has however not been without setbacks. The (temporary) rejection of successive Treaties in national referenda in France, the Netherlands, Denmark and Ireland was a clear sign to Europe's politicians of a "democratic deficit" in the integration process. The Lisbon Treaty (which is likely to provide the "constitutional framework" for the EU for many years to come), contains a number of elements to ensure that the EU is – in practice as well as on paper – "an ever-closer union among the peoples of Europe".

National parliaments, citizens and the private sector as a whole have the possibility to be more directly engaged in the "European project" than ever before. "Subsidiarity" (the notion that decisions off all kinds should be taken as closely as possible to those they affect) is now a fundamental legal principle under-pinning all EU action. Transparency of decision-making, assessments of the impact of decisions and systematic consultation of "stakeholders" have all become routine in recent years. EU "processes" today bear very little resemblance to the time was I was involved in the Single Market process as a Commission official.

The role of the European Parliament has also changed fundamentally in the last 20 years. In a very real sense, the Commission is now "accountable" to the Parliament. Given the Parliament's role as co-legislator in virtually all areas of importance in the Single Market (especially those involving the EU budget), the Member States in the Council are also obliged to work closely with the Parlia-

ment. Significant steps forward have therefore been made towards democratic accountability at EU level.⁹

The current crisis in the European Union

Some would say that the process of European integration has thrived on crises. However, there is no doubt that the current economic and financial situation (not just in Europe but around the world) is of a different (probably unprecedented) order. It would be a mistake however, in my view, to under-estimate the political determination in all Member States (especially those in the eurozone), to ensure not only that the EU survives the current global crisis, but emerges from it strengthened and better able to deal with future crises.

As far as the Single Market is concerned, not only are the laws of all 27 Member States heavily impregnated with the EU law, in a way which is in practice irreversible, but also the habit of and need for cross-border cooperation in Europe is greater than ever. If the EU did not exist, it would have to be invented! And, in addition, despite the widespread criticism of Europe, its institutions and leaders, there has been no credible suggestion of an alternative form of cooperation to the European Union model.

Arguably, the current crisis has demonstrated the need for "more Europe" (and indeed more international cooperation) rather than less. The creation of the G20 (in which the African Union now plays

an important role) reflects the extent to which the crisis reaches all the corners of the global village. Issues such as climate change, natural disasters (such as famine in East Africa and earthquakes in Japan), economic and financial governance and military interventions in Libya and Afghanistan are all inter-related and can only be solved by international consultation and cooperation.

Against this background, the need for "regions" (even those as diverse as Europe and Africa) to "pull together" in their common interests, is greater than ever. Unfortunately, in Europe at least, there is tension and uncertainty between the increased need for action at European level (both internally and externally) and (entirely legitimate) pressure from States and their regions to preserve their own identity, historical, cultural and linguistic. This is accompanied, in Europe, by uncertainty as to the right balance to strike – in terms of economic policy – between action by the public and private sector. The onset of the crisis in 2007 marked the end of unrestrained liberal market economics, of the type advocated by Margaret Thatcher and Ronald Reagan. In Europe, is has often been said that the EU should "do less and do better". It is however difficult to reconcile this "minimalist" approach with the need in almost every area to work together across national frontiers.

The EU's Single Market was based – at the outset in 1985 – on reducing to a minimum the need for legislation (es-

Insight

Realizing that protectionism was counter-productive unless it was accompanied by the restructuring of declining European industries, the European Council instructed the Commission to prepare "a detailed program with a specific timetable" in early 1985 for the completion of a genuine Single Market, with the same economies of scale as a large national market such as the United States

Insight

The African Union, with 53 Member States clearly faces an immense challenge in seeking to lay the groundwork on which to build Africa's economic future.

pecially “harmonising” legislation) at EU level. The approach to be followed was “minimum harmonisation” accompanied by mutual recognition of equivalent national rules, standards, procedures and decisions. It would be wrong to say that this approach has now been abandoned. However, its limitations in an EU of 27 diverse Member States and in an increasingly technical world, have become obvious. In many areas (such as financial services), we now speak of European Rulebooks, with European supervisors. The volume and complexity of EU law in areas such as food, consumer protection, environmental protection, public utilities, public procurement and agriculture (to name only a few) means that there is little scope for “individualistic” national legislation.

The rule of law, including law enforcement is at the heart of regional integration projects

It is often said that the European Union is a “Community (now Union) of law”. Certainly, there are probably more lawyers in New York City than in the EU as a whole! Nonetheless, as indicated above, from 1951 onwards, European lawyers and judges (at European and national levels) have had a profound influence on the pace, direction and intensity of the European integration process. This continues today.

However, as my experience of over 20 years as a practicing EU lawyer demonstrates, the challenge of ensuring the rigorous enforcement of EU law, in all 27

Member States, has increased exponentially in recent years. In addition to the successive enlargements of the EU (and the increase in official languages), “secondary” EU law has increased in volume and technical complexity. The need (not least on the part of economic operators) for comprehensive, accurate and timely transposition of Directives in all Member States creates problems not only for national parliaments, but also for the Commission in monitoring the transposition process. The Commission is of course the “guardian of the Treaties”, by virtue of Article 258 TFEU. However, it alone cannot today shoulder the burden alone of ensuring respect for EU law.

Increasingly, the responsibility must be shared by national courts. One of the unique features of the EU is the fact that judges, courts and tribunals throughout the EU (even at the lowest level) are directly responsible for the enforcement of EU law. Of course, courts can only enforce the law in a political environment where the rule of law is respected and protected and where lawyers and litigants are free to invoke the directly applicable rules of supranational (i.e. European) law, even when their own national rules are in conflict with European law.

There are in my view three separate aspects to the challenge of law enforcement in the EU today. First, it is simply not practicable for the Commission, with its limited personnel resources to take the dominant role in enforcing EU law against 27 Member States, in 23 official languages. This is of course, not even suggested. Nonetheless, it is important for the Commission to set the example, in terms of the priority it accords to law enforcement (as it has done for example in competition and state aids policies), so that national courts can effectively discharge their own duties as agents of EU law enforcement.¹⁰

Second, greater emphasis needs to be given in all Member States, to legal education, including EU and European human rights law. If lawyers and judges are unaware of the existence of EU rules,

then they cannot be expected to invoke them.

Finally, thought needs to be given at EU level to different (and less time-consuming) processes for dispute settlement. For the vast majority of EU citizens and the 90% of companies which are “small and medium enterprises (SMEs)”, classical recourse to courts is expensive, slow and often irrelevant to the enforcement of rights in a commercially significant way. In this area, the Commission’s work on “alternative dispute resolution” (ADR) is essential to supplement the more conventional law enforcement mechanisms at European as at national levels.

The way forward for the African Union

It is clear from the short, personal synopsis set out above that the process of economic and political integration in Europe has both positive and negative lessons for the African Union. Those who have participated in the European process since the outset in the immediate post-War period often remark on the relative ease with which decisions could be taken in a Community of 6 or even 9 States. Now, with 27 States, the process is infinitely more complex.

The African Union, with 53 Member States clearly faces an immense challenge in seeking to lay the groundwork on which to build Africa’s economic future. Even within Europe, the concept of “enhanced cooperation” has been devised to allow those Member States which wish to “go further, faster”, to do so. The same approach might be considered in the African Union. Attention might be concentrated in the immediate future on agreeing, at Continental level, on the broad principles of economic integration (along the lines, for example, of the fundamental economic freedoms enshrined in the EU Treaties), whilst leaving their concrete implementation to the regional authorities. Conceivably, a process of inter-regional mutual recognition could then provide the building blocks for pan-African trade in goods and services over time.

Conclusion

Looking back on my 38 years first-hand experience of the “European project” (and perhaps especially my four years work on the launch of the Single Market in the late 1980s), my view is that a combination of political leadership and idealism, supranational law and institutions, the primacy of the rule of law and the existence of external pressure have been indispensable to the relative success

of the European Union. Recent events in Europe show that none of these can be taken for granted. The torch must be passed from one generation to another, if a return to nationalism is to be avoided.

There is no objective reason why the African Union cannot emulate the experience of Europe over the last 60 years. Certainly, the need for Continental and

regional cooperation and integration exists in Africa in order to face the external challenges posed by China, India, Japan, the United States, as well as emerging powers such as Brazil and ASEAN. In partnership with (and drawing on the lessons of) the EU, Africa is well-placed to meet these challenges. 

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End Note

- 1 Lord Cockfield was Prime Minister Thatcher's nominee as UK Commissioner. The successful launch of the Single Market project was due to the combined efforts of Lord Cockfield and President Delors. Lord Cockfield was succeeded in 1989 by another UK Commissioner, Sir Leon Brittan, who was responsible, in the Commission, for the successful achievement of the abolition of internal frontiers on 1 January 1993.
- 2 Directives of course require transposition into national law by national legislatures, although have limited direct effect in national law.
- 3 The Commission decided (and the Council agreed) that the lifetime of two Commissions (i.e. two periods of four years) should be sufficient to achieve the Single Market, compared with the 10 years to achieve a customs union, between 1957 and 1968.
- 4 The need for two inter-governmental “pillars” was required by Member States which feared the loss of sovereignty involved in these very sensitive areas of national policy. The “pillar” system was abolished in the Lisbon Treaty which came into force in January 2010. Whilst “classical” foreign policy issues remain subject to inter-governmental cooperation, cooperation in justice and home affairs (or justice, freedom and security as it is now called) is largely conducted on the supranational model.
- 5 Taxation was – and remains – an exception and is still subject to the unanimity principle.
- 6 These areas had been subject to Community competence before the Maastricht Treaty, but these and other areas were significantly developed in the Maastricht inter-governmental conference (IGC) and by its successors.
- 7 It is also important to keep in mind that, since 1973, there have been 6 enlargements of the EU and 6 inter-governmental conferences for the negotiation of major Treaty changes. Although these have assisted the process of pan-European integration, they have also had an undoubted diversionary effect. This makes the progress made over 25 years of the Single Market project all the more remarkable.
- 8 I add on a personal note that the relative success of European integration has been due, in no small measure, to the driving force – politically and intellectually of France and Germany, as well as a number of significant individuals. To cite one from many, Commission President Jacques Delors was undoubtedly responsible for driving the process of integration forward in his 10 years as Commission President from 1985 till 1996.
- 9 This does not prevent the EU from criticism for lack of transparency and inadequate democratic accountability. However, problems of “democratic deficit” do not only exist in international or supranational institutions. National parliaments are often weak or ineffective compared with strong executives. Not all judges, courts and tribunals are fully independent. The rule of law is not perfect.
- 10 Due credit must be given to the Commission for the SOLVIT programme, which allows economic operators to draw the Commission's attention to potential or apparent breaches of EU law and for these to be remedied without the need for formal recourse to the Article 258 procedure.



Promotion du Commerce Opportunité de Croissance de Développement et de Consolidation du Processus d'Intégration Régionale Africaine

By Dr. Sanny AGNORO*

Introduction

Commercer, c'est échanger des biens et des services résultant de la division du travail au niveau des individus et des postes, mais aussi de la division du travail à l'échelon des territoires ou des Etats. C'est donc le prolongement naturel du processus de production de biens et services pouvant trouver des débouchés sur des marchés constitués de potentiels clients. Le commerce est l'une des plus vieilles inventions de l'humanité depuis que l'homme du Néolithique a décidé de s'adonner à l'agriculture. Raison pour laquelle certains le considèrent comme l'origine de la civilisation. Commencé sous forme de troc, le commerce s'est progressivement modernisé avec l'invention de la monnaie et les progrès réalisés au niveau des moyens de transports et de communications. Aujourd'hui, on parle du commerce en ligne, c'est-à-dire du e-commerce ou du commerce par internet. A l'ère de la mondialisation, le commerce reste une composante essentielle de l'économie, laquelle est perpétuellement ancrée dans la diversification et constitue un moyen de développement et de bien-être social. Le commerce a également longtemps favorisé les brassages culturels entre les populations qu'il met en relation.

Sur le plan national, le commerce est régulé de différentes façons. La plupart du temps, les gouvernants s'activent à stabiliser les prix intérieurs en appliquant différentes techniques. Sur le plan mondial, on assiste à la multiplicité des théories dont celle du libre-échange, du protectionnisme et du nationalisme économique. Si le commerce est un facteur de croissance et de développement, le commerce intra-régional l'est davantage car il permet

d'accélérer le processus d'intégration. Malheureusement, le commerce intra-communautaire reste très faible en Afrique et soumis à nombre d'obstacles.

Le commerce : moteur de la croissance et du développement

Le libre-échange est généralement considéré par les économistes comme le meilleur choix quand il est général et qu'il s'applique à un monde parfaitement concurrentiel. D'après la théorie standard du commerce international, le libre-échange généralisé maximise les effets de création de commerce tout en éliminant les effets de détournements. Pourtant la suprématie du libre-échange comme principe d'organisation des relations commerciales internationales est souvent remise en cause par la persistance de barrières protectionnistes, les diverses interventions des Etats, l'imperfection de la concurrence, la manipulation des taux de change... etc. Si le commerce international basé sur le libre-échange a été un facteur de développement des économies des pays industriels, l'Afrique quant à elle, du fait de sa structure économique essentiellement bâtie sur l'exportation des matières premières, des produits primaires et l'importation des produits manufacturés, peine à en tirer véritable profit. La détérioration des termes de l'échange, les mesures protectionnistes (subventions accordées aux agriculteurs des pays riches, subvention du coton américain) qui en résultent, nous amènent à conclure que le commerce international a été un facteur de pauvreté pour l'Afrique. En effet, pour alimenter les industries des pays riches, l'Afrique s'est spécialisée dans la culture des produits de rentes qu'elle ne consomme pas (café, cacao, coton, caoutchouc...) et, inversement, contraint de consommer ce qu'elle ne produit pas (blé, lait, sucre,

huile, volaille...). A titre d'exemple, les produits primaires (catégorie 0-4) représentent plus de 80% des exportations de l'Afrique (BAfD 2000) tandis que les importations se composent essentiellement de produits industriels (catégorie 5-8). Même si la diversification des partenaires commerciaux internationaux, notamment la Chine, l'Inde et le Brésil, a permis d'améliorer sensiblement les revenus des matières premières et la baisse du coût des produits manufacturés, l'Afrique ne doit pas se contenter de ces résultats, qui en réalité, peuvent constituer de nouveaux pièges et empêcher son industrialisation.

Dans une économie mondialisée où les Etats s'organisent en blocs régionaux capables de peser dans les négociations commerciales internationales et formant des économies d'échelles pour des industries régionales, l'Afrique doit impérativement et prioritairement développer les échanges intra-régionaux ou intra-communautaires. L'intégration du marché continental est donc primordiale. L'espace régional apparaît ainsi comme une des échelles adéquates de régulation du commerce international.

Le commerce intra-régional : un impératif pour le développement et l'intégration régionale africaine.

Rappelons-le, le mouvement en faveur du régionalisme en Afrique se fonde sur le principe que, pour accélérer la croissance et le développement économique dans la plupart des Etats, il faudra d'abord lever les contraintes liées au morcellement du territoire et à la démographie. Au lendemain des indépendances politiques, les dirigeants africains ont pris conscience que l'intégration régionale était l'unique issue capable de lever les obstacles liés à l'exiguïté de leur marché intérieur. A

Insight

L'Afrique doit impérativement et prioritairement développer les échanges intrarégionaux ou intra-communautaires. L'intégration du marché continental est donc primordiale.

majeur au processus de régionalisation.

Faiblesse des échanges intra-régionaux

Selon le rapport 2009 de la Conférence des Nations Unies sur le Commerce et le Développement (CNUCED), les exportations intra-africaines ont représenté 8.7% des exportations totales du continent et les importations ont constitué 9.6% des importations totales du continent. En dépit de cette faiblesse, qui place l'Afrique au dernier rang pour sa participation dans le commerce régional (voir tableau 1), le rapport relativise en soulignant des progrès considérables : 20 pays africains exportent désormais au moins 25% de leurs produits sur le marché continental.

Dans la plupart des communautés économiques régionales (CER), plus de 80 % des exportations restent destinées à des marchés en dehors de l'Afrique, l'Union européenne et les États-Unis représentant plus de 50 % de ce total. Les États africains échangent davantage avec l'UE qu'avec d'autres pays d'Afrique, malgré la proximité géographique de ces derniers et le processus de régionalisation dans lequel ils sont engagés (CEA, 2008).

Ces chiffres démontrent que le processus d'intégration régionale dans la pratique en Afrique est loin des avantages théoriques escomptés comme en témoigne la faiblesse du commerce intra-africain.

l'instar de l'Union Européenne qui a vu le jour grâce à la Communauté européenne du charbon et de l'acier (CECA) entrée en vigueur en 1952, l'intégration et le développement de l'Afrique passent nécessairement par la promotion du commerce intra-africain, l'unification du marché régional et la suppression progressive des barrières au commerce au sein de l'Afrique. L'objectif de la zone de libre-échange et de l'Union douanière en Afrique est de fusionner les politiques économiques des États africains dans l'objectif de construire de grands marchés régionaux capables de produire des économies d'échelles à l'instar des blocs européens, asiatiques et américains. Pour y parvenir, il faudra absolument protéger les industries naissantes en appliquant un Tarif Extérieur Commun (TEC) à l'intérieur des zones d'intégration, et en supprimant les barrières tarifaires et non tarifaires au sein de ces mêmes zones. Le régionalisme caractérisé par des accords préférentiels à travers une union douanière, loin de nuire au commerce multilatéral, est plutôt une étape importante vers celui-ci. Pour l'Afrique, l'intégration du marché est une stratégie de survie face à la mondialisation.

Avantages du commerce intra-régional pour l'Afrique

L'élargissement des marchés régionaux inciterait les investisseurs privés africains et étrangers à s'y investir. La mise en œuvre de politiques commerciales et macro-économiques saines et adéquates,

devrait permettre l'instauration de grands bassins industriels et de services, lesquels souffrent jusqu'à présent de l'exigüité des marchés nationaux. La création de vastes marchés régionaux ou sous-régionaux devrait créer des économies d'échelles pouvant favoriser la croissance et la convergence en réduisant le chômage et la pauvreté.

Par ailleurs, les échanges intra-régionaux rendent improbables la guerre entre États voisins du fait de la communauté d'intérêts qui les lie, en privilégiant ainsi le dialogue pour résoudre les différends.

Mais, l'Afrique ne saurait tirer profit de ces avantages ces objectifs sans de réels efforts politiques car la faiblesse du commerce intra-africain caractéristique de son extraversion est un handicap

Importations et exportations intra-régionale par rapport au commerce total, moyenne 2004-2006 (en %) :

Région en développement	Importations	Exportations
Afrique	9.6	8.7
Pays en développement d'Amérique	20.9	18.5
Pays en développement d'Asie	48.1	45.5
Pays développés d'Amérique	23.3	39.8
Pays développés d'Europe	68.1	71.4

Source: CNUCED, 2009

Dans la plupart des communautés économiques régionales (CER), plus de 80 % des exportations restent destinées à des marchés en dehors de l'Afrique, l'Union européenne et les États-Unis représentant plus de 50 % de ce total. Les États africains échangent davantage avec l'UE qu'avec d'autres pays d'Afrique, malgré la proximité géographique de ces derniers et le processus de régionalisation dans lequel ils sont engagés (CEA, 2008).

Ces chiffres démontrent que le processus d'intégration régionale dans la pratique en Afrique est loin des avantages théoriques escomptés comme en témoigne la faiblesse du commerce intra-africain.

Les obstacles au commerce intra-africain

Les obstacles qui empêchent le commerce intra-régional d'atteindre les objectifs escomptés sont multiples.

Bien que l'Afrique soit un grand producteur des énergies fossiles, le coût de l'énergie reste relativement très coûteuse et impacte sur les prix des produits manufacturés qui deviennent moins compétitifs. Et même dans les États où le coût de l'énergie est faible, on note une insuffisance de la capacité industrielle d'où l'incapacité à offrir une gamme diversifiée de produits sur les marchés régionaux. Les pays africains continuent d'échanger une gamme réduite de produits à base de ressources naturelles. Certains pays se focalisent sur un seul produit représentant 30 à 50% de leurs exportations. Les coûts de transport excessifs dus à la médiocrité des infrastructures physiques (autoroutes, télécommunication, etc.), l'absence de réseaux ferroviaires reliant particulièrement les pays sans littoral, sont autant de freins à l'éclosion du commerce intra-régional. A ces maux, s'ajoutent des formalités frontalières inutiles et nombreuses, des droits officieux dont

doivent s'acquitter les commerçants aux frontières, les retards dus à la lenteur des procédures administratives dans les ports, les formalités douanières non simplifiées, les multiples postes de contrôle inter-Etats, des barrages routiers (CEDEAO), l'instabilité politique et le caractère imprévisible et incertain des politiques commerciales...autant de dysfonctionnement qui nuisent au commerce intra-africain augmentant ainsi les coûts commerciaux, malgré les progrès remarquables enregistrés récemment dans ces domaines.

Conclusion

Le projet politique de création d'un Marché Commun Africain à l'échéance 2023 ne sera une réalité qu'à conditions que les CER s'emploient fortement à appliquer sans restriction les mesures communément prises et adoptées. Ainsi, à l'échéance 2017, toutes les zones de libre-échange et d'union douanière des CER pourraient évoluer vers l'objectif de l'Union douanière africaine en 2019. Il faudra mettre en place un mécanisme régional permanent de suivi de l'application des dispositions des protocoles qui surveillera l'application réelle de suppression de barrières tarifaires, mais aussi des barrières non tarifaires. La libre circulation de tous les biens et les facteurs de

production, notamment les capitaux, la main d'œuvre et l'investissement doit absolument être garantie. Envisager des sanctions à l'égard de ceux qui ne les respecteraient pas. La question d'infrastructures est primordiale et vitale pour la diversification de la production et la création des économies d'échelles concurrentielles. L'élaboration, l'adoption et l'harmonisation des politiques commerciales et économiques au sein des CER doivent être poursuivies. En attendant la création de la monnaie unique en 2028, il faudra favoriser la convertibilité des monnaies africaines. Le Fonds Monétaire Africain pourrait se charger de cette mission. L'Union africaine devrait veiller à la rationalisation

rapide des CER. Du fait des multiples chevauchements générés ça et là par la participation des États à plusieurs zones d'intégration, on note une inefficacité. Il urge de consacrer une partie de l'aide au commerce au renforcement des capacités des CER à produire des multinationales capables de transformer les produits de base en réalisant une grande valeur ajoutée.

Enfin, rendre complètement applicable les mesures de compensation financières dues à la perte des recettes fiscales des États les plus faibles et faire jouer les solidarités légendaires qui existent entre les peuples africains au profit de l'intégration régionale. 

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Membre Expert du Réseau francophone de Recherches sur les Opérations de la paix (ROP)

quote

The very concept of sovereignty, for long deeply associated with the establishment of any state, must be revisited. The latter can be defined as the legitimate claim by the State of the detention of ultimate authority over a territory and the recognition of this authority by the other States. Now its control over society diminishes, the demarcation of its territory is losing its pertinence in the face of new tangling of multiple political spaces (Regional integration, single markets, transnational flows and so on- see Chapters 7 and 9); the globalization of the economy deprives it of the levers for action on the national economy and compels it to compensate with the new international authorities, like the World Trade Organisation (WTO) or the International Monetary Fund (IMF) (see Chapter 6). We observe simultaneously in the world a proliferation of political experiences marked by the failure of the State as centre of effective decision, as the respected and legitimate political authority. Different expressions sum up these failures of the State in some parts of the world: "Quasi-States" of Jackson; "Collapsed States" of Zartman; "Failed States" or "Lame States".

B. BADIE

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Insight

Promotion of the Internal Market: **Can Africa learn from Europe?**

Desmond Dinan*

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In terms of policy scope and institutional design, the European Union (EU) is the most advanced regional organization in the world. So unique is the EU that labels such as “international organization” are inadequate to describe it. Rather, the EU is a supranational entity whose member states have agreed to share a high degree of national sovereignty in order to tackle common problems and pursue joint solutions. The EU is not a state, let alone a super-state; but it has state-like characteristics. Thus, the EU has exclusive competence or responsibility for the customs union, the competition rules necessary for the functioning of the internal market, and the common trade policy.

How did the EU come about? Why did governments agree to replace separate national markets with a single European market, and to replace separate trade policies with a single trade policy? What lessons might Africa learn from the EU experience?

The European Experience

The EU originated in the Coal and Steel Community, established in 1952 in response to the pressing “German question.” Germany had instigated two world wars in twenty-five years. In 1945, Germany was divided into four occupation zones, each controlled by one of the Allied great powers. The onset of the Cold War meant that the Soviet Union and the other occupying powers could not agree on a post-war settlement. Instead, the Soviet Union consolidated control over the eastern part of Germany and the Western Allies combined their occupation zones into the Federal Republic of Germany (West Germany).

Initially, West Germany had limited sovereignty with regard to economic policy, security, and defense. Germany’s arch rival France wanted to keep the newly-

established Federal Republic as weak as possible. Such a strategy was unsustainable, especially as the Cold War escalated. The United States, eager to strengthen West Germany in order to strengthen Western Europe as a whole, thereby promoting trans-Atlantic economic growth and countering the rise of Western European communist parties, pressured France to change tack. Accordingly, under the leadership of Foreign Minister Robert Schuman and leading civil servant Jean Monnet, France abandoned its punitive approach toward Germany and proposed that the two countries pool sovereignty in the key sectors of coal and steel production. German Chancellor Konrad Adenauer enthusiastically endorsed the idea, which would facilitate Germany’s economic recovery and international rehabilitation.

The Schuman proposal was open to other Western European countries. Britain, whose wartime experience and

economic situation were strikingly different from those of France and Germany, decided to stay aloof. A number of other states also declined to participate. As a result, only six countries—France, Germany, Italy, Belgium, the Netherlands, and Luxembourg—went on to form the Coal and Steel Community, whose institutional structure included the High Authority (forerunner of the European Commission); Council of Ministers; Common Assembly (forerunner of the European Parliament); and Court of Justice.

The significance of the Coal and Steel Community was more symbolic than real. It never realized its full potential—oil soon replaced coal as the main lubricant of the Western European economy and steel production soared in any case—but became the basis of the post-war political settlement. Unlike the grandiose but disastrous Versailles Treaty after World War I, the prosaic and functional Coal and Steel Community after World War II facilitated Franco-German rapprochement and provided an organizational blueprint for future integration. The “German question” was resolved.

The next successful initiative resulted in the Rome Treaty of 1957, which established the European Economic Community (EEC or EC). The rationale for the Rome Treaty was the huge growth in trade in industrial goods in the postwar period, a development strongly encouraged by the United States and rooted in the Bretton Woods System. Given the ruinous impact of economic protectionism in the inter-war period, the United States and the Western European countries were eager to encourage international trade liberalization. That was the purpose of the General Agreement on Tariffs and Trade, as well as of the Marshall Plan and the European Payments Union.

Insight

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Even with these structures in place, many Western European countries wanted to accelerate trade liberalization in a regional setting. Britain and a like-minded group of sovereignty-conscious countries proposed a free trade area. The Netherlands, a small, highly trade-dependent country, suggested going further and establishing a customs union and, eventually, an internal market in which not only goods but also services, capital, and people would move freely across borders. France, instinctively protectionist, fretted about the consequences of embracing the Dutch plan. Finally the French government agreed in order to secure a separate French plan for an Atomic energy community and on condition that the Rome Treaty include provisions for a Common Agricultural Policy (France had a huge, heavily-subsidized farming sector) and a development policy (France wanted to channel assistance to current and former colonies). The Dutch proposal divided the German government. Chancellor Adenauer supported it largely for strategic reasons: he saw deeper European integration, based on Franco-German leadership, as the leit-motiv of postwar German foreign policy. By contrast, German economics minister Ludwig Erhard opposed the Rome Treaty because he feared that it would achieve regional economic integration at the expense of global trade liberalization. The Chancellor's view prevailed.

The negotiations that resulted in the Rome Treaty were long and arduous, as governments sought to protect particular interests and shape the new organization to their advantage. The ensuing EC aimed to establish a customs union by 1968 at the latest and included provisions for an internal market, common trade policy, Common Agricultural Policy, common transport policy, and development policy, and the coordination of national economic policies. Its institutional structure resembled that of the Coal and Steel Community. Finally, the constitutional geography of the EEC saw the Commission located in Brussels, where the Council of Ministers would also meet; the Parliament in Strasbourg; and the Court of Justice in Luxembourg.

The establishment of the customs union proceeded rapidly, so much so that it came into existence eighteen months

economic integration while Western Europe lost competitiveness to the United States, Japan, and the rising Asian Ti-

Insight

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earlier than scheduled. At the same time, the EC put the common trade policy and Common Agricultural policy in place. French President Charles de Gaulle, who came to power just as the Rome Treaty was being implemented, disliked supranationalism but knew that the EC would encourage economic modernization in France, help the farming sector, and assist current and former colonies. Yet de Gaulle strongly resisted the use of qualified-majority voting, a key instrument of supranationality, in Council decision-making. De Gaulle's implacable opposition precipitated a constitutional crisis in 1965-1966, which ended with the "Luxembourg Compromise," whereby a government could prevent a vote from being called in the Council on the grounds that a "very important" national interest was at stake.

The insidious effect of the Luxembourg Compromise, together with the impact of the economic setbacks of the 1970s, greatly impeded further integration. Having removed tariffs by the late 1960s, governments tried to tackle non-tariff barriers and quotas. However, the economic situation in the 1970s made governments less willing to liberalize, and the Luxembourg Compromise allowed them to claim that liberalization threatened vital national interests. Britain's accession to the EC in 1973 initially made matters worse: Britain had opted for membership purely for economic reasons (fear of exclusion from the burgeoning EC market), was suspicious of supranationalism, and defended the Luxembourg Compromise.

It was the disappointing experience of the 1970s and early 1980s—stalled

gers—that prompted the EC to act. What became known as the single market program originated in pressure from European businesses, from economically-liberal governments, and from the European Commission to facilitate growth and jobs by eradicating the remaining barriers to free movement throughout the EC. A famous ruling by the Court of Justice in 1979, in the *Cassis de Dijon* case, allowed the Commission to develop the principle of mutual recognition, thereby obviating the need for the harmonization of thousands of product standards across the EC. Where harmonization remained necessary, the Commission introduced a blueprint (the 1985 White Paper) for rapid decision-making so that the single market could come about by the end of 1992. Stronger competition policy rules were part of the package.

British Prime Minister Margaret Thatcher was a leading exponent of the single market program. So was Commission President Jacques Delors. Yet they differed fundamentally over the issue of financial transfers (the structural funds) to compensate poorer member states, such as Greece and Ireland, for their relative lack of growth despite market liberalization, and over the need for treaty reform in order to enshrine qualified-majority voting in the single market program. Thatcher wanted to stick to first principles; Delors wanted a massive increase in EC competence and resources. With the support of the French and German leaders (François Mitterrand and Helmut Kohl), who supported deeper integration, Delors prevailed. What followed was the Single European Act of 1987, the most far-reaching reform until that time of the Rome Treaty.

The single market program was a huge success. Most of the measures contained in the White Paper were implemented by the end of 1992. Nevertheless putting the single market in place was always envisioned as a work in progress: new technologies, production processes, and regulatory practices would require new or revised single market measures. Moreover, successive enlargement of what became the EU would necessitate far-reaching changes in the Central and Eastern European candidate countries in order to prepare them administratively and economically for participation in a frontier-free, pan-European economic space.

Public opinion throughout the EC strongly supported the single market program and European integration reached the zenith of its popularity. Considering the strength of Euroskepticism in the EU today, it is worth considering how public support for European integration gave way so quickly to uncertainty and outright unpopularity. Yet the single market remains popular even among people unhappy with other aspects of the EU. Ironically, the success of the single market means that most Europeans now take it for granted. While complaining about the EU or more generally about “Brussels,” people usually mean policies and procedures other than the single market and competition policy. Nevertheless the extent of public disillusionment with the EU does not bode well for the future of the single market.

The Maastricht Treaty, which followed soon after the Single European Act, aimed among other things to achieve economic and monetary union (EMU) by the end of the 1990s. The Commission argued that EMU was necessary, in part, to reinforce the single market. Most academic economists disagreed, while public opinion was ambivalent. For over twenty years, since national leaders concluded the Maastricht Treaty in 1991, EMU has been at the heart of the EU project. It has proved divisive among member states (for instance, Britain remains adamantly opposed to adopting the euro) and among European publics.

The outbreak of the euro zone crisis in 2009 threatened the future not only of the euro but also of the European project itself.

The Single European Act unleashed a period of EU activism that embraced many policies other than EMU. The process of Europeanization and the prominence of the EU in national political, economic, and social life raised questions among ordinary Europeans about the nature of EU governance. How accountable were EU officials? How transparent was EU decision-making? How democratic was the EU?

Concern about the “democratic deficit,” which began in earnest in the early 1990s and has been growing steadily ever since, despite several treaty reforms intended to address it, is eroding public confidence in the EU. On the one hand, the EU has strong democratic credentials: the European Parliament is directly elected; the Commission is accountable to the Parliament; the Council consists of ministers who are elected nationally; subsidiarity is a key principle of EU governance; and national parliaments are increasingly involved in the EU policy process. On the other hand, there is no European *demos* or people; the EU does not have a government, analogous to a national government that depends on the support of a parliamentary majority; the Commission president is unelected; and EU politics lack true public participation.

Overall, the European experience is mixed. Considering the devastation wrought by World War II, Europe has come an extraordinarily long way. The Coal and Steel Community was a vital part of the postwar settlement: it locked Germany into the framework of European integration. Thus Germany chose the EC over a looser free trade association in the late 1950s and remained steadfastly committed to the EU after unification in 1990. Although the customs union quickly came about in the 1960s, it took another twenty years before governments had the political will to launch the single market program. Had

Insight

Public opinion throughout the EC strongly supported the single market program and European integration reached the zenith of its popularity.

it stuck to a single market and related policy areas, notably competition and the environment, as well as cooperation on internal and external security, the EC would probably still enjoy broad public support. By moving ahead with political union, a poorly-constructed EMU, and a proposed Constitutional Treaty, however, the EU forfeited public support and weakened the foundations of the entire enterprise. Hence the importance for the EU of going back to basics: trade liberalization and market integration.

Lessons for Africa

Europe's experience of political and economic integration is singular. Post-war circumstances—the onset of the Cold War; the unresolved German question; wholehearted US support; a liberalizing global system; international financial stability and unprecedented economic growth until the late 1960s; incipient globalization and rediscovery of regional integration in the late 1980s; the collapse of Communism and ensuing support for pan-European integration in the 1990s—were conducive to the emergence of the EC and later the EU.

Africa's circumstances are very different. But that does not mean that Africa cannot learn from the European experience with regard to developing an internal market. A number of lessons stand out:

Basic trade liberalization brings vast economic benefits. In many places in Africa, just getting rid of long border delays, simplifying paperwork, and eliminating tariffs would have huge economic benefits. There is no need to go further initially.

Going beyond basic liberalization and embracing market integration is a political project. Despite its seemingly technical nature, market integration requires political will, leadership and commitment. Moreover, an effective decision-making system (including rules for majority voting) requires the sharing of national sovereignty, which is a sensitive political issue. Governments must allow themselves to be outvoted in ministerial bodies and must accept the rulings of a supranational court. Extreme nationalism and the jealous defense of sovereignty are incompatible with participation in a single transnational market.

There are domestic winners and losers. Market integration benefits society as a whole, but not everyone is a winner, at least in the short term. Politicians need to overcome domestic resistance to market liberalization from vested groups, in the interest of the wider society. Groups that gain from a constricted market will resist, while the benefits of opening up will be spread across a broader part of society with less political power.

Democracy is a hindrance as well as a help. Democratic regimes are arguably better able to diffuse opposition to market liberalization and are more sensitive to the broader social benefits of national economic policy. Yet democratic governments are easily captured by vested business interests opposed to market liberalization.

A supranational parliament can enhance democratic legitimacy. Whether directly elected, as in the EU since 1979, or indirectly elected, as in the EC before then, having a supranational parliament can strengthen the legitimacy of the internal market. The success of the EU's internal market shows that co-decision between

the Council and the Parliament need not come at the cost of impaired efficiency.

National circumstances, interests, and preferences differ. Every country wants to prosper and develop, but no two countries are identical in their economic circumstances, specific interests, and policy preferences. Accordingly, governments need to negotiate the best deal possible, which may involve temporary derogations from internal market rules and side payments to compensate (initially) disadvantaged members (along the lines of the EU's structural funds). However, side-payments are expensive and require a large common budget.

Mutual recognition of product standards requires trust among national regulatory authorities. The principle of mutual recognition depends for its success on trust: people need to know that the regulatory authorities in other members of the internal market are as effective as—or more effective than—the regulatory authorities in their own country. Otherwise they will not believe that products imported from elsewhere in the internal market are safe and acceptable. Regulatory authorities need to spend at least as much time talking to each other as they do to their own governments, to develop personal and institutional ties and a common vision.

Market integration requires a high degree of administrative capacity. Establishing an internal market requires tedious, time-consuming, and highly-specialized work. Politicians are responsible for the key decisions, but civil servants perform the day-to-day work. In order to be effective, civil servants need to be knowledgeable, skilled, and motivated. Administrative capacity-building at the national and supranational levels is an

essential prerequisite for constructing and managing an internal market.

Economic actors and civil society should be included. In order to improve the effectiveness and legitimacy of the internal market, governments need to consult economic actors (firms and other businesses) and civil society. Strong business representation and civil society participation strengthens market integration. Interest groups and civil society organizations should be strongly encouraged to organize and develop ties across national lines. Governments may have trouble with the implicit challenge that this poses to their authority.

Market integration is a vast and ambitious undertaking: participating states should stick to first principles and not embark on political, economic, and monetary union. The EU experience shows that public opinion supports market integration but not necessarily deeper economic and political integration, especially among an ever larger number of member states. Establishing an internal market is a huge step; maintaining its effective operation is equally onerous. Deeper political and economic integration should wait until later. 🌍

Insight

In order to improve the effectiveness and legitimacy of the internal market, governments need to consult economic actors (firms and other businesses) and civil society

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Opening Statement



Contribution to the Presentation on Theme of the Conference: 'Integration and Sovereignty'

By Hon. Wycliffe Ambetsa Oparanya

Minister of State for Planning, National Development and Vision 2030
The Ministry Of State for Planning, National Development and Vision 2030
At the Fifth Conference of African Ministers in Charge of Integration

Experts Meeting

Intercontinental Hotel | Nairobi, Kenya | 5 - 7 September 2011

Excellencies, Dear Colleagues, Ministers

Excellencies: Ambassadors and Members of the Diplomatic Corps

Representatives of the Regional Economic Communities (RECs)

Distinguished Ladies and Gentlemen

The integration process in Africa comprises independent sovereign states coming together to integrate in a number of sectors and domains. With this description in mind of the situation taking place in the Continent, some could ask the following questions:

- Is sovereignty incompatible with integration?
- Can we retain hold of our sovereignty and integrate at the same time?
- Should we relinquish some of our sovereignty for the common goal?

These are questions we need to ask in order to continue our integration journey, as set out in the Abuja treaty.

Excellencies

Distinguished Ladies and Gentlemen

It will be recalled that integration has been part of Africa's development strategy from the immediate post-independence period under Organisation of African Unity (OAU), although the main focus on the OAU had been decolonization and political liberation of the Continent. Nevertheless, the Abuja Treaty (1991) establishing the African Economic Community (AEC), which was created during the period of the OAU, remains the primary legal instrument guiding the integration agenda. With respect to the issue of sovereignty, notably, Article 10 and 13 of the Treaty states that decisions and regulations of the Assembly:

The implication here is that the Treaty implies: the ceding of some degree of sovereignty by Member States to a supra-national body for the application of decisions and regulations by its Members and Communities. **In practice, however,** the reality has been different, decisions taken as well as protocols and other legal instruments adopted, signed and ratified by Member States of the Assembly, all too often go

unimplemented.

Under era of the OAU, there was no dispute about the desirability and inevitability of African unity. The question, rather, was the modality for its realisation, its speed and the form it should take. OAU model was therefore, an attempt to blend the ideals of unity with a functionalist pragmatism, which would involve a limited ceding of sovereignty and a hope of a much deeper ceding of sovereignty in the future.

As Africa entered the 21st century it did so with the transformation of the OAU with the creation of African Union (AU) and the adoption of the New Partnership for Africa's Development (NEPAD) (2001). This represented a shift moved away from decolonisation and political liberation to a stronger focus on development and a renewed enthusiasm for African integration. Consequently, with this process came a wider remit for the AU with its structures, instruments and *modus operandi*. **The Implications here** was that it implied that African countries were prepared to cede a greater amount of sovereignty than had not been the case under the OAU. But, the **reality in practice** is that there appears to an apparent unwillingness by Member States to cede greater amounts of sovereignty, in order to step up regional integration efforts, and this is hindering progress.

Excellencies

Distinguished Ladies and Gentlemen

How do we sovereignty in the context of integration in Africa?

Please allow me to take you to the second part of my reflection on our theme, which looks at sovereignty in the context of the African integration process. This issue can be divided into two parts: i) how sovereignty has been applied by Member States to integration efforts; and ii) its consequences on integration the integration process.

How sovereignty has been applied by Member States to integration efforts: African Member States have regularly expressed a desire for stronger, deeper and a more accelerated form of integration, no more so has this been evident than in the Abuja Treaty (1991), the Sirte Declaration (1999) and the AU Constitutive Act (2002). This aspiration has been articulated

against a global backdrop that is increasingly characterised by a rapidly changing economic and geo-political landscape, globalisation, formation of numerous regional blocs around the world, the recent global financial and economic crises and now the sovereign debt crisis in Europe.

This aspiration is premised on an understanding that integrating our economies will leverage Africa's collective bargaining power in international for a; enhance its effective participation in the international economic system; and provide the Continent with a platform and a framework to cooperate in the management of regional public goods and the development of common services in finance, transport, communications and energy etc. Proclamations of deeper integration has also logically led to discussions on the formation of a Union Government and transformation of the African Union into an Authority with more powers to act on behalf of its Members States in the international arena, and foster long-term sustainable growth, development and poverty reduction.

Excellencies

Distinguished Ladies and Gentlemen

Despite repeated calls for deeper integration the same **debate often raises alarm and concern over the loss of sovereignty** for the Member States involved. This has also, by proxy led to an almost **overzealous implementation of the 'defence of sovereignty' principle in Article 3 of the Constitutive Act**. Although the objectives of the Article are, *inter alia*: to achieve greater unity and solidarity among African countries and the peoples of Africa; defend the sovereignty, territorial integrity and independence of its Member States; accelerate the political and socio-economic integration of the continent; and promote and defend African common positions on issues of interest to the continent and its peoples. The defence of sovereignty principle was in this context pertaining to defending countries from the influence of external powers. However, it appears that it being applied outside of its original meaning to how Member States engage themselves, each other and with integration institutions in the integration process. In this regard, there is a seemingly almost unequivocal defence of sovereignty when Member States engage themselves in the integration process. This practice is clearly at odds with the other stated objectives of Article 3, as well as the Abuja Treaty, since it inherently places limitations on the extent to which integration can be accelerated and even achieved at all.

Yet, the reality is, that deeper integration cannot be pursued without ceding some degree of sovereignty, over certain policy matters, so as to advance to higher and more profound stages of the process. This invariably requires the pooling of sovereignty in some areas and division of responsibilities for optimal efficiency. Consequently, the misplaced and stringent application by Member States of the 'defence of sovereignty' principle of Article 3 of the Constitutive Act, which was originally meant in reference to external powers, to the

context of integration is creating havoc and disarray in the integration agenda. Further, it also gives the impression the continent is not serious about attaining its own proclamations and objectives – but rather building house of cards that is destined to fail. It is almost as if the breaks have been put on African integration, particularly continental integration, before the car even moves.

Excellencies

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This state of affairs is also not helped by inherent shortfalls in the Constitutive Act itself. As a document to spur integration forward it fails to specify what steps need to be taken to accelerate Africa's integration. Neither does it provide clear and sufficient guidance as to the powers and functions of the various Organs, Institutions and key players to ensure compliance, nor the relations among them. Also, it does not contain an institutionalised mechanism for the promotion and management of Union affairs at a national level. Yet for economic integration to become a reality it necessitates ceding a degree of sovereignty for this purpose, and that decisions and legal instruments agreed upon to foster deeper integration must be implemented and respected by the same Member States that created them in the first place. While the additional dimension of political integration makes the ceding of sovereignty inevitable.

However, sovereignty can be positive when it is exercised to accelerate and concretely achieve integration goals, when there is political will to do so. In this regard, political will should spearhead and accompany sovereignty. This was demonstrated in 2006 by the decision of the Assembly of the Union to agree that there should be a Moratorium on the recognition of RECs.

Consequences on the integration process: in view of the foregoing it is, however, evident that the reality practiced by some Member States seems to be a persistent unwillingness to make the necessary sacrifices and necessary demonstrations of solidarity to foster deeper forms of integration, thereby, impeding collective progress. Africa cannot continue pursuing its integration agenda in this manner; it is resulting in an unsustainable, impractical management of the integration agenda. **With the repercussions** being that some countries and regions are working in isolation rather than collectively together, which is impeding progress.

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As a consequence of the apparent lack of political will towards ceding the necessary levels of sovereignty constraints have arisen which seem to having a detrimental effect on the integration process and its ability to move beyond the regions to achieving continental objectives. Such constraints include, **the slow pace of integration currently recorded by the Communities**, which has resulted in the RECs having slow, incremental and mixed results in attaining the Abuja Treaty

Opening S

milestones. Although a handful appear more successful in meeting certain regional integration objectives, this is not reflected across the board. **There is also the constraint of inadequate financing for the integration agenda and its institutions.** It has for some time become increasingly clear that the financing arrangement for the African Union, which is dependent on assessed contributions of Member States and Partner funds, is no longer adequate, sustainable and reliable to meet the growing financing needs of the Union. Delays in payment of contributions by Member States, coupled with the difficulty in accessing Partner funds, are increasingly impacting negatively on the pace of implementation of the Union's activities, projects and programmes.

The movement of RECs in different directions resulting in uneven and untimely implementation of the Abuja Treaty is another constraint. A number of RECs are at different stages of the Abuja Treaty and although there have been innovative attempts to harmonise activities between some RECs and promote rationalization to address overlapping and multiple membership of Member States to more than one REC, such approaches are, not systematic across the entire continent. Notable examples, however, include the COMESA-EAC-SADC Tripartite Arrangement of October 2008, as well as ECCAS and CEMAC working together to rationalize in the Central African region. **There is also the issue of free movement and the slow progress within this area,** as demonstrated by the fact that less than a handful of RECs have introduced regional passports or regional travel documents. Further, discussions on a continental passport are also yet to be completed. Comprehensive implementation of Protocols on free movement are mixed, hampered in part, by poor implementation, non-recognition or homologation of different education/professional curricula or certificates within the regions and persistence of tariff and NTB barriers as well as other factors.

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We nevertheless have noted some efforts to address the concerns around the pace of integration in our continent

In an attempt to address the negative consequences, a number of initiatives have been developed to decisively deal

with the current situation. This includes the **Sirte Declaration (September 1999)** which sought to speed up the pace of integration to reenergize and put the agenda back on track, while also accelerating the rationalization of the RECs to address the problem of overlapping membership. Other initiatives include the **Accra Declaration of on the creation of a Union Government (July 2007), which had political integration as its aim, moving towards a United States of Africa.** The Declaration agreed to: accelerate the economic and political integration of the African continent, including the formation of a Union Government; conduct an audit on the institutions and organs of the AU; review the relationship between the AU and the RECs; and find ways to strengthen the AU and elaborate a timeframe to establish a Union Government of Africa.

A more recent initiative has been **the Minimum Integration Programme (MIP) (adopted in 2009),** devised to accelerate the implementation of the Abuja Treaty by fostering greater coherence between the RECs and smoother coordination of the integration process at a regional and continental. It is, therefore, a mechanism for convergence, on the basis of a number of priority areas to be implemented at regional and continental levels by the RECs. The MIP forms the missing link between the Abuja Treaty and its realization and as such is a flagship programme of the AU. There are also **proposals for alternative sources of financing,** with options that include: **import levy, tax on air tickets and tax on insurance premiums.** Some of these options are already being applied and have proven extremely successful in some Member States and RECs, such as tax on air tickets in Senegal, import (community) levy in the Economic Community of West African States (ECOWAS) and "Contribution Communautaire d'Intégration" (Integration Community Contribution) in the Economic Community of Central African States (ECCAS).

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In conclusion, **the core issue at stake is that** African Member States cannot fully integrate without sacrificing aspects of their sovereignty for the common goal. Further, the continent can no longer proclaim to its people that it desires and works towards integration without clearly, systematically and practically doing so. **It is, therefore, recommended that:**

Statement

- **The Member States should accept to be effectively bound by their own decisions and the legal instruments** signed and duly ratified, thus paving way for community law;
- **Sovereignty must begin to transpire through the effective implementation of decisions and legal instruments** which would provide a clear demonstration of political will;
- **States should surpass the stage of cooperation where we appear to be at currently in order to effectively achieve the integration stages, especially at a continental level.** This must be with an understanding that integration is quite different from cooperation;
- **Member States should relinquish sovereignty over the education sector as this would be a clear demonstration of both political will and the pooling of sovereignty.** Doing so, would allow the opportunity for Africa to develop regional education hubs/universities. Instead of fully fledged national universities specialising in all levels of degrees, there should be regional poles that specialise in post-Masters degrees in selected subjects

relevant to Africa's development agenda e.g. William Ponty in Senegal and Makerere in Uganda were regional education hubs and contributed significantly to the liberation and decolonisation movement in the Continent. Doing so, would also serve as an example of how sovereignty can be ceded for the common good:

The Conference of African Ministers in Charge of Integration provides an opportunity for all of us gathered here today, to come together to help strengthen our integration endeavors and address some of the constraints we ourselves as Member States impose on our own progress – in this case limited ceding of sovereignty and lack of political will. I hope that through deliberations today and tomorrow, recommendations will be put forward to address this very pertinent issue so as to help Africa make a step change in its integration efforts and strengthen the process for optimal efficiency and success.

With these few remarks, it is my singular honour to wish you successful deliberations.

I thank you for your kind attention. 🌍

Opening Statement

‘...shall be binding on Member States and organs of the Community, as well as regional economic communities’.

Further that decisions and regulations ‘...shall be automatically enforceable thirty (30) days after the date of their signature ...’

In-Focus - Integration and Sovereignty

Integration and Sovereignty:

The Case Of Africa

By Dr. Adams Oloo

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Introduction

A common definition of regional integration states that it is a shifting of certain national activities toward a new center¹. Integration therefore is a form of collective action among countries in order to obtain a certain goal. This goal can be as grand as political unification (in the case of the EU) or a free trade area, (in the case of NAFTA).

More simply, it is a “series of voluntary decision by previously sovereign states to remove barriers to the mutual exchange of goods, services, capital or persons”². This definition captures the economic aspect of integration which is informed by two theories, namely functionalism and neo-functionalism.

The Functionalist approach viewed the twentieth century as characterized by growing numbers of technical issues that could be resolved only by cooperative actions across the boundaries³ carried out by technical experts whose approaches were essentially based on apolitical considerations⁴.

The theory suggests that emphasizing cooperation in order to find solutions according to a specified need or function creates the basis for a thickening web of structure and procedures in the form of institutions. Successful cooperation in one functional setting would enhance the incentive for collaboration in other fields. To the extent that tasks in specific functional areas could be successfully completed, attitudes favorable to cooperation in other sectors would be developed.

The goal of functionalism was not to create a new “super state” above the member states, but instead to blur the lines dividing public and private. This

was to be achieved through the creation of a “web of international activities” that would overlay national and political divisions. Links were to be developed along pragmatic lines, at the logical level for each functional goal, regardless of national or political boundaries. These interlocking institutions would create mutual dependencies and make war unfeasible regardless of ideological differences that divide states⁵. Functionalism is primarily concerned with economic integration and not direct political integration.

Neo-Functionalism theory on the other hand posits that integration results from the need to shift specific functions away from exclusively nation-state control toward supranational institutions⁶. Therefore, unlike functionalism, neo-functionalism accords a role to politics. Neo-functionalism places major emphasis on the role of non-state actors- especially, the “secretariat” of the regional organization involved and those interested associations and social movements that form at the level of the region- in providing the dynamics for further integration.

Member states remain important actors in the process. They set the terms of the initial agreement, but they do not exclusively determine the direction and extent of subsequent change. Rather regional bureaucrats in league with a shifting set of self organized interests and passions seek to exploit the inevitable “spillovers” and unintended consequences” that occur when states agree to assign some degree of supranational responsibility for accomplishing a limited task and then discover that satisfying that function has external effects upon other interdependent activities. This is the theory that informed the evolution of the European Union and most regional economic communities in Africa.

Integration efforts however cannot be accomplished without addressing the question of sovereignty. The notion of the sovereignty of the state is an original building block of the Law of Nations. It typically requires respect for territorial integrity and for the rule that a treaty cannot bind a state unless it has given its consent to be bound. It is important to emphasize the opposite as well; it is an act of sovereignty to become party to an international agreement or a member of an international organization. This has additional implications- states cannot invoke their national law or constitution as a justification for not respecting their international obligations. And a change of government in particular country will not affect the binding nature of existing agreements to which that state is a party to. States to this end are the subjects of Public International Law, not governments.

Historically, Sovereignty has been associated with four main characteristics: First, a sovereign state is one that enjoys supreme political authority and monopoly over the legitimate use of force within its territory. Second, it is capable of regulating movements across its borders. Third, it can make its foreign policy choices freely. And finally, it is recognized by other government as an independent entity entitled to freedom from external intervention. These components of sovereignty were never absolute, but together they offered a predictable foundation of world order. What is significant today is that the reach of these components- internal authority, border control, policy autonomy, and non-intervention- is being challenged in unprecedented ways⁷.

The modern world and the conditions brought about by globalization have forced a rethink about these traditional views. In introducing his September

1999 Annual Report to the General Assembly, United Nation Secretary General Koffi Annan said: "Our post-war institutions were built for an international world, but now we live in a global world."⁸

The debates in Africa about attacks on sovereignty often reveal deeper problems about statehood, weak states and the legitimacy of the government of the day. What should concern Africans, as part of the debate about the future of regional integration among African nations, is the fallback to sovereignty as a broad shield which delegitimizes international (and often local and regional) disapproval when international obligations are not respected, human rights are abused or when corruption goes unchecked. This is an old trick; the South African apartheid government was an enthusiastic user of as it used this same line of argument. When sovereignty is rediscovered for this purpose it is a cause for concern. Instead Africa should look at sovereignty.

Rationale for Integration.

Baregu (2005) has posited that traditional approaches to integration such as functionalism and neo-functionalism are largely descriptive focusing much more on the aims, structures, institutions and mechanism of integration rather than the imperatives or driving forces that lie behind these schemes. He argues that the more compelling reasons for forming and sustaining regional integration lies in its imperatives or interests or *raison d'être* rather than in the institutional forms that are the outcome of the operationalization of the rationale. He further argues that it is also these imperatives that we should look to identify the reasons for implementation or non-implementation of integration agreements, as well as to explain the successes and failures in existing schemes.⁹

Baregu argues that there are four types of rationales or imperatives that lie behind the formation and sustenance of regional integration schemes; These are affection, gain, threat, and power. By imperatives, is meant the kind of factors that create the impetus, and give rise to the drive and yearning, for integration among the members. Imperatives may

belong to the domain of choice or they may belong to the domain of necessity. It is the extent to which the imperative exerts itself upon one's very existence that determines whether it is a choice imperative or a necessity imperative. The more the imperative impinge upon one's vision, the more it is likely to belong to necessity rather than choice. This is according to the perceptions of those involved in envisioning their future. These visions are usually expressed in the preambles of the treaties establishing the integration schemes.¹⁰

force behind the renewed quest for regional integration in Africa, then we are off on yet another false start.

Gain is by far the most celebrated imperative held responsible, not only for the initiation, but also the sustenance of regional integration schemes. Gain and loss are central tenets of rational choice theory, which contends that individuals and states tend to behave in a manner, which maximizes their gains while minimizing their losses. Beginning with Jacob Viners concerns with trade creation and trade diversion effects,

In-Focus

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The affection imperative is essentially emotive. It refers to a situation where countries come into an integration arrangement because they have a lot in common and feel some bonds of affection. It is frequently argued, for example, that because the East African countries are connected by common language, a common colonial heritage and cross border affinities among different ethnic groups, regional integration should automatically follow. Thus the preamble of the treaty begins: Whereas the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania have enjoyed close historical, commercial industrial, cultural and other ties for many years....¹¹ Yet it is obvious that if this were sufficient, the 1977 collapse of the original EAC, which had descended from the East African High Commission established in 1947, would not have come about. The same can be said of other regional blocks in Africa i.e ECO-WAS, SADC etc. The point here is that affection does not seem to be a strong imperative, and if it is the major driving

regional integration theories have largely been preoccupied with the economic welfare gains from trade within the bloc or from without. The unequal distribution of gain among members of a bloc is also held to be a vital source of potential discontent, except perhaps, if the cost of non-integration is perceived to be too high.

The preoccupation with material gain is itself the source of the major weaknesses of this approach. The weakness is that it reduces the dynamic of integration to economic motives alone and purely to trade as such. The other weakness is that it fails to distinguish between gain as cause and gain as consequence of integration. To suggest, for example, that European cooperation was motivated by considerations of gain alone is to lose sight of the peace and security imperative that gave rise to the formation of the European Coal and Steel Community (ECSC) in the first place. Indeed, in this case it may be said that economic gain is a consequence of cooperation, and not vice versa. As Arnold Baker argues: even

when FTAs are pareto-optimal there are many other factors to consider: the existence of community consciousness, the political will and security interests¹².

The shared perception of threat and the quest for collective security and protection is, perhaps, the strongest incentive toward integration. This may arise from two distinct situations. One is where two or more countries find themselves locked in mutually threatening relationships and have to reach some compromise leading to peaceful co-existence. This is what lay behind the formation of the ECSC by France and Germany in 1951. The other is when there exists a perception of a common external threat, in which case countries come closer to enhance their capacity to defend themselves. This is what lay behind the formation of the North Atlantic Treaty organization (NATO) against the perceived threat from the Soviet Union and its allies. This imperative can largely inform regional integration in Africa, once the countries concerned realize that globalization threatens their very continued existence.¹³

Power as an imperative refers to the situation where a regional hegemon forces the neighborhood into an integration arrangement. The most extreme case would be military intervention, or regime change to install a compliant leadership. Hegemonic integration involves not only the existence of a relatively more powerful country in the region, but also the capacity and inclination on the part of that country to meet the costs of hegemony by offering incentives for a member to stay, and imposing sanction on those that may want to break away. To a very large extent, the Council for Mutual Economic Assistance (COMECON) countries were brought and held together by Soviet hegemony. Likewise, NAFTA bloc is essentially maintained by the US.¹⁴

The hegemonic model is unlikely to work in the African setting for apparently contradicting reasons. On the one hand there is hardly a country that could be considered a viable hegemon that is able to obtain legitimacy, and muster the resources to pay the costs of maintaining a stable hegemonic arrangement. And on the other hand, however, suspicious

of hidden hegemonic motives on the part of a number of countries in regional blocs persist. This include South Africa in SADC; Nigeria in ECOWAS and Kenya in EAC. The hegemonic model is however handicapped by the imperative of sovereignty which, for small and weak countries, is so passionately guarded that it becomes an additional obstacle to deeper integration¹⁵

Regional Economic Communities: The African Experience.

The idea of RECs on the continent is not new. During the past four decades, Africa has experimented with various

In-Focus

The idea of RECs on the continent is not new. During the past four decades, Africa has experimented with various RECs, with varying degrees of success.

RECs, with varying degrees of success. The old EAC was probably the oldest, followed by the Economic Community of West African States (ECOWAS), formed in 1975. The decision of the Organization of African Unity (OAU) in 1976 to divide Africa into five regions gave added impetus to these initiatives, also leading to the formation of the Economic Community of Central African States (ECCAS), The Arab Maghreb Union (UMA), and the Southern African Development Coordinating Conference (SADCC), that later came to be known as the Southern African Development Community (SADC).

However, the continent has also

been home to a number of regional organizations and initiatives that have not confirmed to the neat divisions of regions. For instance Inter-Governmental Authority on Development (IGAD), a grouping of seven states in East Africa and horn region, was initiated as the Intergovernmental Authority of Drought and Development (IGADD), formed in response to the catastrophic drought of 1970s and 1980s. Sierra Leone, Guinea and Liberia also formed the Mano River Union(MRU), and are also members of ECOWAS. Besides, this there are several monetary and customs union whose memberships deviate from those five regional organization- the Central Africa Economic and Monetary Union (CEMAC), the West Africa Economic and Monetary Union (WAEMU), and the Southern African Customs Union (SACU) are cases in point. These overlapping membership have not always aided Africa's integration project. Furthermore, it can be argued that the earlier attempts at regional integration were basically inward looking exercises in which gradual internal trade liberalization was coupled with protectionism against outsiders.

The more recent attempts at economic integration-the 'new regionalism'- can be traced back to the Lagos Plan of Action(LPA), adopted at a second extraordinary session of African heads of state and government of the OAU in Lagos in July 1980. This was a culmination of series of continental reflections on how best to deal with the unfolding African political and economic crisis, marked by declining terms of trade, and rapidly shrinking of global trade. In essence, the LPA and the final Act of Lagos (FAL) were the first continental responses to the African economic crisis of the late 1970s and early 1980s. The LPA was aimed at:

- Promoting the economic and social integration of African economies in order to enhance self-reliant and self centered development;
- Creating national, subregional, and regional institutions in pursuit of self reliance; and
- Undertaking proper planning in all sectors of development with a view to achieving modern economies at

the national, subregional, and regional level by the year 2000.

In respect, it committed African governments to establishing an AEC by the year 2000.

But the LPA was still born, torpedoed by lack of political will on the part of African political leaders, and, more significantly, by the World Bank report entitled *the accelerated development in Africa: an agenda for action (the Berg Report)*, whose neoliberal approach-withdrawing the state from economic intervention, and opening up of African economies to more private sector participation and the privatization of public enterprises-dominated economic development discourse and policy making from then on.

A decade elapsed before Africa made another attempt at continental economic integration. In June 1991, at the 27th summit of head of states and governments, the OAU adopted the treaty establishing the African Economic Community (AEC)-the Abuja Treaty. It recognized previous efforts and achievement at regional and sub regional, and set out to establish conditions for achieving a 'unified and self sustaining economy' on the continent. Its main objectives are to:

- Promote the integration of African economies with a view to increasing Africa's economic self-reliance and achieving self sustainable economic, social, and cultural development;
- Establish a continental framework for the mobilization and utilization of human and material resources; and
- Coordinate and harmonize the policies of existing economic communities with a view to fostering the establishment of the AEC.

The Abuja Treaty came into force in 1994. It was envisaged that AEC would be in place by the year 2028, to be implemented in six transitional stages as follows:

- 1994-99: Existing regional economic communities to be strengthened, and new ones established.
- 1999-2007: Existing tariffs to be

In-Focus

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stabilized, and economic sectors to be integrated, coordinated and harmonized.

- 2007-17: A free trade area and customs union to be established.
- 2017-19 Tariff system within RECs to be coordinated and harmonized, and continental customs union and common external tariff (CET) created.
- 2019-23: An African common market to be created, and monetary, financial and fiscal policies harmonized.
- 2023-28: As the final stage, pan African economic and monetary union and parliament to be created.

But like the LPA, the Abuja Treaty has remained largely on the drawing board, and has been overtaken by events as African leaders have scrambled to reposition the continent globally. The inauguration of the AU and NEPAD in 2002 more or less ended Abuja's decade of activity. Some observers have suggested that, with the inauguration of the SADC and the new EAC the first phase of the Abuja process was completed. However, there is little evidence that the Abuja process was directly responsible for either the revival of the EAC or the transition from SADC to SADC in southern Africa. In any case, the process of reviving the EAC predated the Abuja Treaty, and, once apartheid was out of the way in southern Africa, SADC could no longer continue on the conference trail, and had to find something worthwhile

to do. The transition from a coordinating conference to a development community was therefore a logical step.

Be that as it may, the AU and NEPAD are direct descendents of the ideas behind the Abuja process. According to their founding fathers, the new initiatives are about the political renewal and economic regeneration of the continent, based on the following three principles:

- Mobilizing the African people to take their destiny into their own hands, and to create a bulwark against kleptocratic regimes;
- Entrenching political democracy, respect for human rights, and good governance; and
- Implementing a clear program of economic regeneration which can raise African countries from depths of economic disaster.

These questions have preoccupied African minds for the best part of the last three decades. NEPAD is in this sense a successor to the earlier initiatives outlined above, and even more significantly, to a series of initiatives unveiled by the UN Economic Commission for Africa (ECA) in the 1970s, culminating in the revised framework of principles for the implementation of the new international order in 1976. The framework proposed a development agenda based on self reliance, self containment, democratization and equity. Indeed, it was the revised framework that gave birth to the Lagos Plan of Action for the economic development of Africa, 1980-2000. And in 1989 the ECA published the African Alternative Framework to structural adjustment programs for socioeconomic recovery and transformation (AAFSAP).

NEPAD, like the Abuja Treaty and the LPA before, recognizes the need to strengthen Africa's RECs, thus enabling them to serve as the building blocks of an African economic regeneration. The NEPAD initiative also acknowledges the limited markets of existing national economies, and therefore concludes that successful economic regeneration can only be brought about by pooling markets and resources; hence it talks of the need

for African Countries to combine their resources in order to enhance regional development and economic integration. Thus NEPAD is not only theoretically a successor to the earlier continental initiatives, but also sees itself as such, a fact that was more or less endorsed at the meeting of the Chief Executives of African RECs in Abuja November 2003. They endorsed the view that NEPAD was 'the development framework for Africa, and the engine for the continent's socio-economic growth'.

It is against this backdrop of attempted regional economic integration, ultimately directed at African economic regeneration, that the revival of integration in Africa must be situated. In other words, integration in Africa has been revived on the premise defined by an overarching continental determination to achieve a political renewal and economic regeneration via the activities of RECs.

Integration and Sovereignty: Which Way Forward

A substantial part of the present debate about deeper integration in Africa often raises alarm about the loss of sovereignty for the states involved. The fear is that the presence of regional institutions existing beyond the territorial and jurisdictional control of the nation state and enjoying power will restrict the freedom of governments to act unilaterally. Against this background, the earlier enthusiasm for integration seems to be running out of steam now that the international agreement and obligations agreed upon by these very same state have to be implemented and respected.

The loss of sovereignty warning seems to be premised upon particular value judgment; that it would be undesirable if regional institutions exercise meaningful powers. The real concerns are about the loss of state control and about "interference" with power of national governments. In this debate the distinction between state and government is not always recognized. Sovereignty is technically a feature of states (the primary subject of international law) and not of governments; although governments act

on behalf of their states.

A more fundamental question is often not asked – what is the source of the power of these governments? Are they democratically elected through free and fair elections and do they exercise their national powers in dispensation characterized by the rule of law?

Concerns about threats to national sovereignty may be well founded in instances where supra national bodies act in an *ultra vires* manner or when they usurp power over areas best left to legitimate national structures. Then the apprehension is in effect about the threat to popular sovereignty. This has been a long standing debate in the European Union where the European Commission enjoys extensive powers over areas which used to fall under national jurisdictions. However, in Africa we are light years away from a situation where Regional Economic Communities (RECs) can exercise similar powers. Their dilemma is often the opposite; they have weak institutions; ill defined mandates and vague powers.

There are no clear voices speaking on behalf of the collective and monitoring of compliance with community norms and laws is deficient. In any case regional organizations do not enjoy inherent powers; they are the creatures of international agreements concluded and ratified by the very states which have come together in the belief that such bodies will improve trade, development and effective cooperation. They establish specific regional structures and grant them the powers necessary to fulfill the mandates formulated in the founding instruments.

The debates about loss of sovereignty in Africa is clouded by many other issues which relate to questions of domestic governance, legitimacy and state power, separation of powers and the rule of law generally. In countries where the exercise of a state power can be reviewed by national courts of law and be tested against the norms in a supreme constitution there will be fewer concerns about loss of "government policy space". Courts of law will, as a rule, not pronounce on the soundness or otherwise of government policies; they review specific acts of measures to determine their lawfulness. In such societies judicial control over exercise of power (when they impact on the rights of natural or legal persons) is a typical and necessary feature of democratic governance. Judicial Review, a critical press and vigilant civil society are not, and should not, be perceived by popularly elected governments as a threat to their authority. The popular will is the source of democratic rule.

Another perception is that African governments will lose their ability to determine their own policy priorities and development strategies if regional structures gain powers over development issues. While it is true that most African nations are faced by scarce resources and the absence of sufficient technical and institutional capacity, it can be argued that regional integration is part of the answer to the multifaceted problems of development and is frequently a necessary instrument for promoting development through expansion of small

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In-Focus

In-Focus

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domestic markets and the facilitation of trade with neighboring countries and third parties.

Similarly, while it is true that continental or regional trade agreements bring technical challenges when, for example community law has to be implemented, joint health and safety standards have to be met and regional trade rules have to be respected, this is in essence the nature of the exercise. Trade in goods and services is regulated through continental or regional legal arrangement aimed at facilitating cross border movement and limiting the power of participating governments to impose domestic restrictions. These arrangements are not premised on design to undermine state sovereignty. The fact that some commentators see a hidden agenda here may have more to do with an 18th Century view about the state than appreciating contemporary realities.

The need to protect sovereignty gains a different dimension when African states agree among themselves to establish regional trade arrangements or institutions of cooperation and integration. It is difficult to understand how their sovereignty can be undermined by the very same bodies which they have established for quite specific purposes and through their own sovereign decisions. If, however,

there is no political interest to honor freely concluded agreements, regional institutions cannot deliver and will not live up to the expectations for which they have been created. This raises more fundamental question about their understanding and use of international law generally and of treaties in particular.

There may also be a political as well as historical reasons why African governments are sensitive about their sovereign rights. But then the lines of the argument should be clear. What is to be protected? How should this be done? and where do the threats come from?

The discussion about integration and sovereignty and when to protect it is a universal one. In times of economic hardship there is a greater temptation for politicians to rediscover the ideals of sovereignty. Never the less, it remains a legitimate question to ask whether countries and governments in a global economy are not "obliged to subjugate some level of domestic prerogative to international rules and disciplines? If so, is that a gain or loss to the well being of societies?"¹⁶

Acceptance of almost any treaty involves a transfer of a certain amount of decision making authority away from states, and towards some international institution. Generally this is exactly why 'sovereign nations' agree to such treaties. They realize that the benefits of cooperative action that a treaty enhances are greater than circumstances that exist otherwise.. For example, the WTO agreement is a treaty- the international equivalent of a contract. It is self evident that in an exercise of their sovereignty, and in pursuit of their own respective national interests, the members of the WTO have made a bargain. In exchange for the benefits they expect to derive as members of the WTO, they have agreed to exercise their sovereignty according to the commitment they have made in the WTO agreement.

On the positive side, some commentators openly declare that regional integration will not result 'in the loss of state sovereignty'. Those falling in this school

of thought opine that, there is room for debating sovereignty issues in a world of globalization and deeper regional integration. The debate from their point of view should address questions about the allocation of specific powers; should they be located in national institutions or within regional structures? What level of government or institution would be best suited for a task at hand? What powers does it need to govern a particular matter and enforce the applicable rules? Which approach will bring optimal benefits?

Against this background, matters which are essentially about local affairs belong to the national or sub national level. Others however, may be best performed through interstate or regional arrangements. The challenge is for the participating states to decide at what level each relevant function shall be performed. Once this question has been answered and the appropriate legal design is adopted national governments should lend their support and allow the arrangement to bear fruit.

This debate is an old one and in federal dispensations there are many formulas to determine concurrent, residual and state (as opposed to federal) powers. The nature of the task at hand will provide some of the answers. When a group of states come together and agree on rules for sharing common water resources on which they all depend, or dealing with an environmental disaster which transcends "sovereign borders", the joint interest in preserving and respecting the higher (supra national) values and concomitant rules is obvious. Then to evoke "sovereign rights" with regard to that part of a regional river flowing over the national territory of one of the member states will undermine the very *raison d'être* for a joint legal arrangement in the first place.

Conclusion


States are free to decide the level and manner in which they interact with each other. Once legal arrangements have been established for pursuing common interests some distinctive features enter the picture, such as transparency, certainty, predictability and respect for the applicable rules. Compliance should be monitored and unlawful actions should be corrected. It really means the application of basic notions of the rule of law at interstate level. There is nothing inherently suspect about such arrangements; nor is it hostile to statehood. Developed as well as developing countries now adhere to rules-based trade arrangements and they invoke the applicable rules to protect their interests.

As the integration exercise advances it will draw in its wake rules against fragmentation of the joint enterprise e.g. to guarantee that the same standards nec-

essary to ensure reliable quality and safety will be upheld in all the member states. National sovereign acts in defiance of the common rules are unlawful and cannot be tolerated; they do not qualify as legitimate or applicable. These are the building blocks of integration through legal arrangements. Sovereignty, at least in its traditional definition, is the very reason why international law must figure in such joint arrangements. If the jointly agreed rules are not respected the chaos of old style power politics and gun boat diplomacy will reign.

The establishment of an effective regional integration arrangement should be the result of thorough preparation and appropriate prior policy development at national level. Government officials should be clear as to why the specific arrangement is necessary, what it should achieve and what powers it should enjoy.

It should not be possible for participating governments subsequently to deny the effect of what they have agreed to. The text of an agreement reflects what the parties have adopted as their obligations. To conclude the actual treaty which sets up the organization is to perform an act of sovereignty.

This type of interstate behavior is about establishing legitimate institutions and adopting rules for the promotion of common interests and to cope with the challenges of the modern world. Such regional institutions will in fact support national governments as well as serve consumer and civil interests in those areas where national authorities cannot go it alone. This is no attack on sovereignty; it is the method of second and realistic leadership by governments acting on behalf of sovereign states. 

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In-Focus - Integration and Sovereignty

Integration and Sovereignty: Our Point of View

Intégration et Souveraineté: Notre Opinion

Dr. René N'Guettia Kouassi

Directeur, Département des Affaires économiques | Director, Economic Affairs Department
African Union Commission

You will recall that Africa, our Continent, was the subject of discussions of the Berlin Conference in the 19th Century, which paved the way for over a century of colonisation after three previous centuries of slavery or slave trade. The Berlin Conference was historically about the partitioning, division and balkanization of Africa, which was hitherto a land of great and homogeneously constituted empires and kingdoms.

Africa, which remained balkanized into colonized territories, regained some hope towards the end of the 1950s and in the early 1960s with the advent of independence granted by the colonising capitals reluctantly. Having achieved independence and shaken off the colonial yoke, the countries embarked on the path of integration in order to not only eliminate the borders between their peoples who had been scarred by colonization, but also to build a united Africa of peoples, an economically developed and politically emancipated Africa.

In the push for integration, Inter-governmental Organizations emerged at the regional and continental levels. However, after more than half a century of attempts at integration, there are still mixed results. Today Africa reflects image of a Continent mark-timing in comparison to the other regions of the world where integration is successfully taking root as the engine of growth and development. The reason is that in Africa the twin aspects of **independence and sovereignty** is, according to several observers, the main obstacle to the integration process.

In the AU Commission dare to believe that the two-pronged phenomenon of **independence-sovereignty** should not paralyse the regional and continental integration process. Far from it, it should motivate dynamism, likely to significantly accelerate integration of our Continent. This dynamism, which we all sincerely wish is called **sharing of sovereignties**. Thus, it is by pooling together our individual or national sovereignties, it is by sharing these sovereignties that real transfer of power to regional and continental bodies can be accepted, without which the political will to build an integrated Africa will be mere delusion.

Sharing of sovereignties is therefore imperative for Africa as an inevitable means towards a successful integration process. Sharing of sovereignties today is to guarantee the success of the economic and political integration tomorrow. To reject or hide this reality is to contribute to the marginalisation of our countries and Continent in the community of Nations. It is also to condemn Africa to its current status of a divided, balkanized and fragmented Continent, and in which States delude themselves of being sovereign, when in reality they are just empty shells. Of what use are individual sovereignties when

Pour mémoire, il est à retenir que l'Afrique, notre Continent, fut l'objet de la Conférence de Berlin au 19ème siècle à la faveur de plus d'un siècle de colonisation qui, suivit trois autres siècles d'esclavage ou de traite négrière. La conférence de Berlin, historiquement consacra l'émiettement, la division, voire la balkanisation de l'Afrique jusque-là composée de grands empires ou royaumes constitués de manière homogène.

L'Afrique balkanisée en territoires colonisés connaîtra un regain d'espoir à la fin des années 50 et au début des années 60 avec l'avènement des indépendances que les métropoles colonisatrices ont octroyé à leur corps défendant. A la faveur donc des indépendances acquises, les pays nouvellement libérés du joug colonial vont tenter de s'engager sur la voie de l'intégration pour non seulement effacer les frontières entre les peuples marquées par la colonisation, mais encore pour bâtir une Afrique unie des peuples, une Afrique économiquement épanouie et politiquement émancipée.

Dans cette mouvance, des organisations intergouvernementales ont vu le jour à l'échelle régionale et continentale. Mais, après plus d'un demi-siècle de tentative d'intégration, les résultats acquis restent encore mitigés. Aujourd'hui, l'Afrique offre l'image d'un Continent qui fait du sur place comparé aux autres régions du monde où l'intégration s'impose avec succès comme le moteur de la croissance et du développement. Et pour cause, en Afrique, le couple **indépendance et souveraineté** constitue selon plusieurs observateurs l'obstacle majeur du processus d'intégration.

A la Commission de l'UA, nous osons croire que le binôme **indépendance –souveraineté** ne doit pas paralyser le processus d'intégration régional et continental. Loin s'en faut, ce binôme doit s'inscrire dans une dynamique susceptible d'accélérer significativement l'intégration de notre Continent. Cette dynamique que nous appelons de tous nos vœux s'appelle **le partage des souverainetés**. C'est donc en mettant ensemble les souverainetés individuelles ou nationales, c'est en partageant ces souverainetés que l'on pourrait accepter un transfert réel de compétence aux organisations régionales et continentales sans lequel la volonté politique de bâtir une Afrique intégrée se traduirait en leurre.

Le partage des souverainetés s'impose donc à l'Afrique comme un passage obligé vers la réussite de son processus d'intégration. Partager aujourd'hui les souverainetés, c'est garantir demain le succès de l'intégration économique et politique. Refuser ou occulter cette réalité, c'est adhérer à la marginalisation permanente de nos pays et de notre Continent dans le concert des Nations. C'est aussi condamner l'Afrique dans sa posture actuelle de Continent divisé, balkanisé,

we have no means to protect or to sustain them? What is the worth of national sovereignties in the face of against the challenges of globalization, the Millennium Development Goals (MDGs), the promotion of world public assets, etc? These pertinent questions summon African countries to enhance the unity of the Continent and combine their efforts in the search for solutions to the great challenges of our time. Here also the European model may be emulated. The Euro 🌍

In-Focus

Le partage des souverainetés s'impose donc à l'Afrique comme un passage obligé vers la réussite de son processus d'intégration. Partager aujourd'hui les souverainetés, c'est garantir demain le succès de l'intégration économique et politique.

morcelé et dans lequel les Etats se nourrissent de l'illusion d'être dotés de souverainetés qui, en réalité ne sont que des coquilles vides. Car, que valent les souverainetés individuelles qu'on n'a pas les moyens de protéger et d'entretenir ? Que valent les souverainetés nationales face aux défis de la mondialisation, des Objectifs du Millénaire pour le Développement (OMD), de la promotion de biens publics mondiaux etc. Ces interrogations pertinentes constituent une invite aux pays africains à renforcer l'unité du continent et à mutualiser leurs efforts dans la recherche de solutions aux grands défis de notre temps. doit nous ser 🌍

quote

Globalization implies the emergence and development of global public goods. The major problem in the current international economic system of governance without government is that no effective means exist for assembling the necessary resources for financing these global public goods. The needs of international bodies such as the IMF, World Bank and WTO have never been stronger, but confidence in them has never been weaker. Globalization is progressing, and it results in greater integration...

Joseph E. Stiglitz

September 2006

Opening Statement



Statement by

H.E. Erastus J. Mwencha

Deputy Chairperson | African Union Commission

At the Fifth Conference of African Ministers in Charge of Integration
(COMAI V)

Intercontinental Hotel | Nairobi, Kenya | 8 September 2011

Excellency Essimi Menye, Minister of Finance, Republic of Cameroon, Representing the Prime Minister and Head of Government

Excellency Vice Prime Minister and Minister of Justice, Republic of Cameroon

Honorable Ministers of Economy and Finance

Mr. Gilbert Tsimi Evouna, Government Delegate to the Yaounde City Council

Members of Government

Members of the Diplomatic Community;

Senior Officials from Ministries of Economy and Finance

Distinguished Ladies and Gentlemen;

I am delighted to address this important Extra-Ordinary Conference of African Ministers of Economy and Finance taking place in this beautiful city of Yaoundé in Cameroon, the country I call home. On behalf of the Chairperson of the African Union Commission, H.E. Dr. Jean Ping, and indeed on my own behalf, I wish to welcome you all to this Conference. Further, I wish to thank you sincerely for sparing your busy schedules to attend this Conference, a clear manifestation of your commitment to the speedy realization of Africa's integration vision.

Please allow me also to thank H.E. Mr. Paul Biya, President of the Republic of Cameroon, the Government and the People of Cameroon for their usual warm welcome and hospitality accorded to all the delegations. For many of us, we are not here for the first time. I recall that the Second Conference of African Union Ministers of Economy and Finance (CAMEF II) and the Fourth Conference of African Union Ministers in charge of Integration (COMAI IV) were held in this very *Palais de Congres* in 2006 and 2009, respectively. By hosting African Union meetings, the Government and People of this beautiful country, Cameroon, are demonstrating their unwavering support and commitment to the realization of the objectives of our continental organization, the African Union.

Excellencies

Distinguished Ladies and Gentlemen

The holding of this Extra-Ordinary Conference is in keeping with the Decision of the Fifteenth Ordinary Session of the Assembly of the African Union held in July this year in Kampala, Uganda. The Assembly requested the Commission, through the Ministers of Economy and Finance, to expeditiously finalize current work on the Alternative Sources of Financing the African Union and submit a report for final adoption at its next Ordinary Session to be held in January 2011. You will also recall that when African Union Ministers of Economy and Finance met in an Extra-Ordinary Session in Addis Ababa, Ethiopia, in January this year to consider, among others, Alternative Funding Sources for the African Union, it was agreed that another Extra-Ordinary Conference of Ministers of Economy and Finance holds later in the year to further examine the subject matter. It can, therefore, only be commended that the African Union Ministers of Economy and Finance are now meeting to tackle one of the challenges facing Africa's integration agenda, in line with the decision of the African Union Assembly.

As we might all be aware, the African Union was established with a mandate to realize continental integration in addition to addressing economic, social and political challenges facing the continent. The availability of adequate financial resources is indeed crucial for the Union to be able to address these challenges and accomplish its mission. In recognition of these needs, the Heads of State and Government at the Lusaka Summit of 2001, directed the OAU General Secretariat to, *inter alia*, "Undertake studies, with the assistance of experts, on alternative sources of financing the activities of the African Union and to make appropriate recommendations to that effect" [Decisions: AHG/Dec.160 (XXXVII)].

The Summit in Durban, South Africa, in July 2002, took note of the Lusaka Summit Decision and authorized the interim Chairperson to commission a study in consultation with Member States and other stakeholders to ascer-

Opening S

tain the overall financial obligations and requirements of the Commission. The study was expected to be ready for consideration at the July 2003 Executive Council meeting of the Assembly [ASS/AU/Dec.1 (I)].

In February 2004, the Executive Council took a decision requesting the Commission to further review the earlier proposals of the experts and submit a report for discussion at the Sixth Ordinary Session in March 2005 [DOC.EX.CL/87 (V)]. In May 2006, the Commission held an experts' meeting on Alternative Sources of Financing the African Union and in June 2006, the Executive Council decided (DOC.EX.CL/255) that the reports on the analytical work be submitted to the Conference of African Ministers of Economy and Finance for consideration and appropriate recommendations prior to the adoption at the Executive Council in July 2007.

Furthermore, you may recall that in November 2008 and January this year, African Union Ministers of Economy and Finance met in Extra-Ordinary Sessions in Addis Ababa, Ethiopia, and discussed, among others, the issue of the Alternative Sources of Financing the African Union. The November 2008 Extra-Ordinary Conference requested the Commission to consult with Member States on the Commission's recommended options. The January 2010 Extra-Ordinary Conference considered the revised study report, taking into account the submitted comments of the Member States, and decided to provide the Commission with alternative options. To this effect, the Commission availed Member States with questionnaires in February 2010, requesting for the options to be forwarded to the Commission with a view to revising the report. And only last week (8-9 December 2010), the African Union Commission organized a Retreat in Nairobi, Kenya, for members of the Permanent Representatives Committee (PRC) based in Addis Ababa, Ethiopia, to exchange views and reach some common understanding on the issue.

Evidently, several studies have been undertaken and several meetings and consultations have been held on the is-

sue of Alternative Funding Sources for the African Union. Studies have included evaluation of likely socio-economic impacts of the options on the economies of Member States and examination of experiences elsewhere, particularly in Regional Economic Communities such as Economic Community of West African States (ECOWAS) and Economic Community of Central African States (ECCAS) and Member States, including Senegal. I believe it is time that we consolidated the recommendations so far made to enable our Leaders finalize discussion on this matter during their Summit in January 2011, in line with their Kampala AU Summit Decision.

Excellencies

Distinguished Ladies and Gentlemen

Following the recent global financial meltdown and its impacts on developing and emerging economies, particularly in terms of declined aggregate output demand and commodity prices, African economies need to develop a formidable framework to forestall future vulnerability in its external balances. This can be done if we create enabling and strong institutions that provide the necessary platform for us to harness our internal resources and potentials towards economic integration. In this regard, there is the urgent need for us to collectively work towards the fast tracking of the processes for establishment of the African Union financial institutions. These are the African Central Bank, the African Investment Bank, and the African Monetary Fund, as provided for in the Constitutive Act of the African Union. Suffice to say that steady progress is being made in establishing these institutions.

Regarding the African Monetary Fund, whose headquarters will be here in Yaoundé, Cameroon, the African Union Commission has put in place a Steering Committee to undertake implementation studies leading to the establishment of the Fund. Already the Committee has drafted the Protocol and Statute for its establishment. These legal instruments were reviewed by independent experts here in Yaoundé, in October 2010. It is my sincere hope that this

Statement

Extra-Ordinary CAMEF will endorse them to enable the Commission present same to the January 2011 Assembly of Heads of State and Government for adoption. On its part, the Government of the Republic of Cameroon has provided office space and equipment for the functioning of the Steering Committee.

On the status of the other two institutions, namely, the African Investment Bank and the African Central Bank, I wish to inform you that following the adoption of the Statute and Protocol establishing the African Investment Bank at the African Union Summit held in Sirte, Libya, in July 2009, fifteen countries and one country have signed and ratified the protocol, respectively. I wish to take this opportunity to call upon those member states that have not signed or ratified this protocol to please do so at their earliest convenience.


Pertaining to the African Central Bank, whose headquarters will be in Abuja, Nigeria, the African Union Commission continues to work in close collaboration with the Association of African Central Bank Governors and the host country. To date, an agreement has been reached to develop a Joint AUC/AACB Strategy on the establishment of the Bank, both the AUC and the AACB are providing experts to work on the Joint Strategy, and the host country has provided office premises and equipment, as well as financial and technical support to the experts.

Excellencies

Distinguished Ladies and Gentlemen;

The organization of this Extra-Ordinary Conference of African Union Ministers of Economy and Finance is timely, particularly when one considers the items on its agenda. The deliberations taking place today and tomorrow will go a long way in supporting efforts towards reducing poverty, promoting sustainable growth, and attaining the Millennium Development Goals. The issues on the agenda demand that they be approached with openness and frankness. But they also require that you look beyond your countries' national boundaries and focus on the need to promote regional and continental integration. It is my sincere hope that you will leave Yaoundé having reached consensus on these important issues.

Finally, please allow me, once again, to thank H.E. Mr. Paul Biya, the Government and the People of Cameroon for their usual warm welcome and hospitality. Permit me also to thank each and every one of you for making it to Yaoundé, Cameroon. And of course, I wish to acknowledge the presence of His Excellency the Vice Prime Minister and Minister of Justice for gracing this important occasion.

I thank you for your kind attention and wish this Extra-Ordinary Conference of African Union Ministers of Economy and Finance fruitful deliberations and great success. 

Opening Statement

With 54 sovereign States compared with the original 6 in the EC in 1951, it is clear that Africa faces a formidable challenge in laying the groundwork for effective economic integration.

In-Focus - Integration and Sovereignty

Integration and Sovereignty

Dr. Joram M. BISWARO

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Introduction

When states join with others in economic or political bloc, they cede some national sovereignty. The European Union (EU) started as a free trade zone and built considerable political integration over a period of several decades. However, the EU is not yet a fully integrated state as substantial sovereignty remains with EU member governments. The AU experience in integration is, in a way, not exceptional to the EU model. In a globalized world, integration is inevitable; that is why integration and sovereignty debate, is back on world agenda today.

These concepts have, of late, attracted different social scientists, scholars, policy-makers, decision-makers, etc, as a new area of inquiry. Their theoretical foundations have been varied as defining the concepts themselves.

The main objective of this presentation is, therefore, to encourage and provoke a wide debate on the underlying dynamic of integration from an African perspective, and also to contribute further to its social, legal, technological, economic, and political dimensions. Besides, it intends to take the debate beyond the Westphalian conception as well as examining the role of leadership in integration process. Above all, it aims at demonstrating the nexus between International Relations and International Law at the world stage.

Some Conceptual definitions and Theoretical Approaches

Perhaps the difficulties of defining "integration" were memorably summed up by Donald Puchala (1972) who compared the quest for a definition of integration to blind men

being confronted with the task of defining an elephant.

For the purpose of our deliberation, one could describe integration as both a process and an end state whereby an intergovernmental organization (IGO), representing three or more countries, pool their resources together with a view to creating a larger and a more open economy expected to benefit member countries. Basically, the process of economic integration can take the following forms: Preferential Trade Arrangement (PTA), Free Trade Area (FTA), Customs Union (CU), Common Market (CM), Economic Union (EU), Monetary Union (MU) and Political Union or Federation (PU) (2005).

The process of integration should be voluntary and consensual. Integration which proceeds by force and coercion amounts to imperialism. Although empire building has, historically, some of the characteristics currently attributed to integration, modern scholarship has been insistent that the process of integration should be regarded as non-coercive. Taking a historical perspective, the most significant attempts at building political communities in the past have been directed towards creation of nation-states. Nationalist sentiments preferred to describe this as unification rather than integration.

In a nutshell, it can be argued that, whereas the concept of integration refers to a voluntary process of pooling resources for a common purpose, regionalism means regional approaches to problem solving. This could include: regional integration, regional cooperation or both. The terms "regional integration" and "regional cooperation" have in common the involvement of neighboring countries in collaborative ventures.

However, regional cooperation implies that this is organized on an ad hoc and temporary basis through a contractual arrangement of some sort around projects of mutual interest, while regional integration involves something more permanent (Maurice & Winters, 2003).

Perhaps, at this point one needs to **define sovereignty**. The term "sovereignty" has been used in four different ways: 1. International legal sovereignty that refers to the practices associated with mutual recognition, usually between territorial entities that have formal juridical independence. 2. **Westphalian sovereignty** meaning the exclusion of external actors from authority structures within a given territory. 3. **Domestic sovereignty** refers to the formal organization of political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity. 4. **Inter-dependence sovereignty** is the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants, or capital across the borders of their state (Krasner, 2009).

Sovereignty has always been regarded as a core element in International Relations and Law. **The Treaty of Westphalia in 1648 marked the advent of the contemporary 'Doctrine of State Sovereignty'**. However, there is a dual perspective incorporating the internal and external dimensions of the concept which may co-exist to varying degrees (Jackson 2003:3). **Weber (cited in Hoffmann 1995:3) views a sovereign state as an 'institution claiming to exercise a monopoly of legitimate force within a particular territory.'** Stated differently, a sovereign state is one that exercises **supreme, legal, unlimited, unrestricted, and exclusive control over a designated**

territory and its population. In a similar manner, **the sovereignty of a state requires recognition by other states through mutual diplomatic dealings, and usually by membership of a comprehensive international, regional or sub-regional organization** (G.Onuoha; 2009:2).

The **doctrine of sovereignty is largely based on the notion of formal equality between states and the principle of non-intervention in issues that are perceived to be strictly the domestic affairs of states.** The beginning of the 21st century witnessed the emergence of close to 200 sovereign states in the international system. If in some ways the doctrine of state sovereignty reinforces the notion of international anarchy, this is because the impression that a 'supreme authority' exists in the state logically challenges the existence of a 'super-sovereign' authority above the state. The only exception to this is when a state explicitly confers authority on a supra-national authority.

In view of the foregoing, the notion of sovereignty has been subject to various interpretations and has confronted some challenges often dictated by real power considerations and other exigencies. **Since the end of the Cold War, the debate about sovereignty has returned to the forefront.**

It is worth noting the fact that regional integration can cover the full range of public sector activity, including not only the coordination of economic policies, but also regional security, human rights, education, health, research and technology and natural resource management. The concept of regional integration is thus a broader one than that of economic integration. It should be approached holistically. **The degree of integration depends upon the willingness and commitment of states to share their sovereignty.**

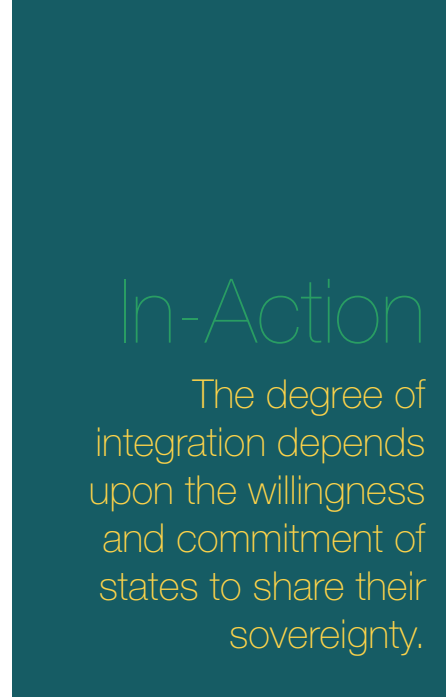
It should be noted that there have been various theories on integration and sovereignty, which are outside the scope of this discussion. However, some of those theorists include: J. Viner, Balasa, E. Haars, E. Mandel, J. Tinbergen, G.

Frank, R. Higgott and others. These proponents have approached this study from both economic and political perspectives. Some of these theories have covered functionalism, neo-functionalism, federalism, realism and eclecticism. With respect to sovereignty, some of the leading theorists include Bodin, Locke, and Rousseau. Hugo Groius, the Dutch scholar generally acknowledged as the father of international law, first proclaimed state sovereignty as a fundamental principle of international relations in his 1625 book on the law of war and peace.

African Integration

In Africa, political and socio-economic integration is not a new phenomenon. One could argue that it is rooted in Pan Africanism that culminated in the establishment of the Organization of African Unity (OAU) in 1963. For our present purpose, it rose with the dawn of independence as a demonstration of the willingness of African leaders to stem the adverse effects of Africa's balkanization (Biswaro,2005). It was the political and economic reactions to these adverse effects that triggered the establishment of a large number of intergovernmental agencies operating in the field of integration, to enable African countries to speak with one voice and to ease constraints linked to the limited size of national markets. This rapid increase in the number of integration-based institutions reached its peak, first in the 1980s, with the adoption of the Lagos Plan of Action and Final Act of Lagos, then in the 1990s and in the 2000s, the entry into force of the Treaty establishing the African Economic Community (AEC) or the Abuja Treaty and the Constitutive Act establishing the African Union, respectively (R.N. Kouassi, 2007:2).

It is worth noting that, the Abuja Treaty formed the economic wing of the OAU and continued under the AU with the following regional economic communities (RECs), as its pillars: i. Economic Community of West African States (ECOWAS); ii. The Common Market of East and Southern Africa (COMESA); iii. The Communauté Économique des



États de L'Afrique Centrale (CEEAC); iv. The Arab Maghreb Union (AMU); v. The Intergovernmental Authority for Development (IGAD); vi. The Southern Africa Development Community (SADC); vii. The Communauté des États Sahelo-Sahariens (CEN-SAD); and viii. The East African Community (EAC). All these RECs are at different stages of integration.

The OAU option for the African economic integration process, incorporating the AEC, confirms the idea that integration can be carried out in several ways. Reading the objectives and implementation modalities of African economic integration, shows that in the long run, the OAU intended to establish economic and monetary union.

At this point, one is tempted to raise a question. Can this noble integration objective be attained considering the precarious nature of the economic structures of the African Continent? Indeed, the economic challenges facing Africa have increased and are mainly structured around the following issues: development financing, repayment of a heavy external debt, regional and continental integration, industrialization, economic and political governance (Kouassi, *ibid*) as well as the challenges of ceding sovereignty. Furthermore, there are the political challenges of conflict and instability as well as the social ones of malaria and HIV/AIDS.

It should be recalled that in the late 1980s, African countries were faced with numerous challenges and **adopted, against their will, the structural adjustment program of the Bretton Woods System in order to carry out far-reaching reforms of their economies and adapt them to the**

global economy. First, Africa was weighed down by a heavy external debt burden on which the first initiatives taken to promote Africa's economic and political integration have so far only had limited impact. However, the heavily indebted poor countries' initiatives provided significant debt relief. Second, the Continent is weakened in a world dominated by the establishment of major economic entities. The quest for efficient and lasting solutions to these major challenges gave rise to the Sirte Declaration, which in turn, led to the birth of the AU in July 2002, at the 38th OAU Summit held in Durban, South Africa. It is worth emphasizing that, in establishing the African Union, the Heads of State and Government unanimously agreed to provide the new institution with a historic program called the New Economic Partnership for African Development (NEPAD). The AU has therefore an

expanded mandate intended to meet the challenges of **the 21st Century including that of sovereignty.**

Integration versus Sovereignty in Africa

Some analysts have argued that sovereignty is being eroded by one aspect of the contemporary international system, globalization, and other that it is being sustained, even in states whose governments have only the most limited resources, by another aspect of the system, the mutual recognition and shared expectations generated by international society. Some have pointed out that the scope of state authority has increased over time, and others that the ability of the state to exercise effective control is eroding. Some have suggested that new norms, such as universal human rights, represent a fundamental break with the past, while others see these values as merely a manifestation of the preferences of the powerful. Some students of international politics take sovereignty as an analytic assumption, others as a description of the practice of actors, and still others as generative grammar (Cerny 1990:13).

This muddle in part reflects the fact that the term "sovereignty" has been used in different ways (by those in power), and in part it reveals the failure to recognize that the norms and rules of any international institutional system, including the sovereign state system, will have limited influence and always be subject to challenge because of logical contradictions (non-intervention versus promoting democracy, for instance), the absence of any institutional arrangement of authoritatively resolving conflicts, power asymmetries among principal actors, notably states, and the differing incentives confronting individual rulers.

The exercise of one kind of sovereignty – for instance, international legal sovereignty – can undermine another kind of sovereignty, such as Westphalian sovereignty, if the rulers of a state enter into an agreement that recognizes external authority structures, as has been the case for the members of the European Union. A state such as Taiwan

can have Westphalian sovereignty, but not international legal sovereignty. A state can have international legal sovereignty, be recognized by other states but have only the most limited domestic sovereignty either in the sense of an established structure of authority or the ability of its rulers to exercise control over what is going on within their own territory. In the 1990s some failed states in Africa, such as Somalia, served as unfortunate examples.

Objections to Sovereignty

State sovereignty, however, has continued to be a guiding principle on which international relations are based. Governments still cling tenaciously to their possession of sovereignty, although the sacrosanct status of unfettered sovereignty is being increasingly questioned. Part of the assault has come from the traditional critics of sovereignty, for instance, the opponents of war, who argue that armed conflict is an integral, inevitable, and regrettable consequence of a world in which sovereignty reigns. From this view, dismantling sovereignty is the necessary prerequisite for world peace. At the same time, the rise of other concerns such as human rights creates collision points with state sovereignty. Those who abuse their own citizens have long justified mistreatment of individuals and groups by arguing that sovereign states possess absolute authority over their citizens; therefore, how states act within their sovereign jurisdiction is their own business and never the concern of the international order.

The bloody internal conflicts in the Balkans and parts of Africa have challenged the idea that state sovereignty provides license for governments to do as they please to their citizens or, where governments are incapable or nonexistent, not to protect portions of their populations from internecine or external ravage. Using the United Nations as a vehicle to justify its actions, the international system has, on numerous occasions vowed that it will almost certainly continue into the future, involved itself in these situations in order to prevent further abuse and to protect citizens.

In-Action

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In-Action

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In a nutshell, the twentieth century has witnessed the norms of international legal sovereignty and Westphalian/Vattelien sovereignty being universally accepted. It has often been tacitly assumed that these norms would be accompanied by effective domestic sovereignty; that is, by governance structures that exercised competent and ideally constructive control over their countries' populations and territory. This assumption has proven false. Poor, even malevolent, governance is a widespread problem. Badly governed states have become a threat to interests of much more powerful actors: weapons of mass destruction have broken the connection between resources and the ability to do grievous harm: genocides leave political leaders in democratic polities with uncomfortable choices; and transnational diseases and crime are persistent challenges.

The African Experience

Africa has experienced at least three distinct models of non-state sovereignty. **The colonial phase established states whereby the majority of people were subjects and not citizens.** The colonial states and by extension the colonized populations were subordinate to other states. Post colonialism saw these subjects become, as the result of their own struggles against imperialist control, **citizens with varying rights to own property, confer citizenship, vote and be voted for, among others (Mamdani 1996).** In this model of a representative democracy, Sovereignty revolved around the holding of periodic 'free and fair' elections. Elections produced leaders who made public policy and enabled the citizen, through his or her vote, to hold government accountable for the delivery of pre election promises.

Various efforts and initiatives aimed at Africa's closer integration include the 1981 Lagos Plan (United Nations Economic Commission for Africa/ Organization of African Unity 1980) and the African Economic Community (AEC) in which development objectives and measures that Africa should undertake in order to achieve socio-economic

progress are spelt out. The adoption of the Sirte Declaration, the Constitutive Act and the Commission's strategic plan are some of the latest contribution towards this objective.

For our present purpose, we may assess the ceding of member states sovereignty to the African Union by interrogating some of the AU principal instruments such as **the Constitutive Act, and organs the Assembly, Executive Council , Pan African Parliament and the African Court of Justice and Human Rights.**

In the preamble to the Constitutive Act of the AU, the Heads of State and Government stated that they are 'determined to take all necessary measures to strengthen their common institutions and provide them with necessary powers and resources to enable them to discharge their respective mandates effectively'. **This seems to indicate that Member States realize the need to grant powers to the common institutions, which in essence entails transferring some of their sovereign powers to the AU, if they are to achieve the objectives set out in Article 3.** It includes ceding some legislative powers to **the Pan-African Parliament (PAP)**, judicial powers to **the African Court of Justice and Human Rights**, and powers over enforcement and implementation of decisions domestically.

One of the objectives listed in the Constitutive Act is defense of 'the sovereignty, territorial integrity and independence of its Member States' (art 3 (b)). While this may be reminiscent of its predecessor's preoccupation with preserving state sovereignty, which in essence came down to non-interference in the internal affairs of Member States, the Constitutive Act allays fears of complacency by expressly stipulating that it has a **right to intervene in 'grave circumstances, namely war crimes, genocide and crimes against humanity' (art. 4 (h)). It may also intervene upon request by a Member State 'in order to restore peace and security' (art. 4 (j)).** I am not sure if Gaddafi had asked AU assistance what would have been the reaction?

On the surface, this may not seem to amount to a transfer of sovereign powers to the AU, but Member States did in effect transfer some of their sovereign powers by ratifying the Constitutive Act which empowers the AU to intervene in such circumstances. However, apart from a few instances, the AU has generally avoided intervening in the internal affairs of Member States. Nevertheless, the AU has recently deployed a peacekeeping mission in the Sudan and Somalia; it also restored peace and security in the Comoros, where AU forces led by Tanzania did a commendable job for restoring law and order in separatist Comoros with respect to Anjouan Island (2008). This is, once again another evidence of the fact that the AU is determined to keep peace and security on the continent. These examples not only point to the **AU's departure from its predecessor's stance of non-interference in internal affairs, but also show that the AU is exercising some powers ceded to it by Member States. It can, therefore, be construed as qualitative change (Biswaro, op cit.).**

The Constitutive Act of the African Union also envisages that Member States will cede their sovereign powers **to the entities of the AU (art. 5), in order to effectively exercise their powers**

and competencies. **The Assembly of the AU, its supreme entity, is composed of Heads of State and Government of AU Member States. Among others, this highest Entity of the Organization 'determines the common policies and decisions of the Union as well as ensures compliance by all Member States; and gives directives to the Executive Council on the management of conflicts' (art. 9) etc. In terms of these powers and functions, the Assembly is in charge of issues of common interest and ensures their execution (such as common position on UN Security Council reform), including imposing sanctions for non-compliance (art. 23). These are competencies that are traditionally vested in the executive branch of a state. This means that states must cooperate and indeed cede some of their executive powers to the union to enable the AU Assembly to carry out the functions stated above, and to ensure compliance.**

Decisions are ratified in the Assembly by 'consensus or failing which, by a two thirds majority of the Member States of the Union, apart from procedural matters which require a simple majority' (art. 7). This means that even if not all members agree with a decision, they are bound by it regardless of their individual positions on that particular matter. **The sovereign powers in question include those related to enforcement and implementation of decisions of the Assembly domestically. States should therefore accept and implement the common policies adopted by the Assembly which may include economic policies; research; monetary and financial affairs; trade, customs and immigration; transport, communication and tourism and such other issues of common interest to the members.**

However, apart from a few instances pointed out above (Wachira&Ayinla 2006-485), the AU Assembly is still generally reluctant to interfere in the internal affairs of Member States.

This is despite the fact that article 4 (g) of the Constitutive Act provides for the principle of non-interference by any member state (and not necessarily the AU) in the internal affairs of another, which could be interpreted to mean that the AU can in fact interfere as an institution. With regard to human rights issues, for example, some Member States have prevailed upon the **Assembly to block publication of reports of AU organs which are unfavorable to them in the name of protecting their sovereignty.** Furthermore, because of the lack of appropriate classification of the AU decisions during their drafting, some Member States have taken advantage of this shortcoming by not implementing or domesticating certain decisions and protocols into their national laws. **In this case, many decisions and protocols are not implemented accordingly.** Other AU organs also have limitations, and therefore, face the same fate.

Reflections, observations, and the Way Forward

As it can easily be seen from the many examples given, regional integration and cooperation have become a pervasive feature of international relations. In

spite of the existence of various blocs, which have Secretariats and regular technical and ministerial level meetings and summits of Heads of State and Government, in certain regions, like Africa, integration efforts have had limited impact so far. Perhaps, because reality on the ground does not match with ideals in treaties, protocols and Memoranda of Understandings (MOUs). The degree of integration in some places remains highly superficial. Thus, results have to some extent fallen below expectations. This has been due to a number of constraints, including:

Membership issues. On a continental basis and also within sub-regions, for example, many African countries belong to several groupings or sub-groupings that sometimes compete, conflict or overlap amongst themselves rather than complement each other. This adds to the burden of harmonization and co-ordination, and is wasteful duplication in view of constrained resources.

Slow ratification of protocols and reluctant implementation of agreed plans. Probably due to low political commitment and/or perceived or real losses and sacrifices involved, a number of countries have been reluctant to fully implement integration programs on a timely basis. This has been partly caused by the lack of prior cost-benefit analysis and broad internal consultations on the part of the member countries concerned. In some cases, changes in the socio-economic and political dynamics within the member states involved have also militated against implementation of regionally agreed programs, especially where socio-economic sacrifices are concerned.

Socio-economic policy divergence. Inconsistency or incoherence at the macroeconomic level has also been a source of problems for the systematic implementation of the regional integration agenda into national programs. It has been impossible to integrate regionally where there have been continuously glaring inconsistencies involving policy, implementation and information at the national level. There is, therefore, a

In-Action

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need for an appropriate policy mix and co-ordination at the national level that targets low inflation and fiscal discipline.

Limited national and regional capacities. The lack of mechanisms and resources for effective planning, co-ordination, implementation, monitoring and pragmatic adjustment of programs on the ground has been another constraint on regional integration. As a result, many programs and projects remain on the shelves of various offices without being implemented.

In the area of trade and mobility of factors of production, integration has been relatively more outward-looking at the expense of intra-regional trade. In the case of Africa, xenophobia has partly hampered labor movement among members, while capital mobility has been constrained by largely undeveloped financial markets. This was evident in East Africa during the debate aimed at fast-tracking the ECA integration process in 2006/007. Some citizens of the regions rejected the process on the grounds that integration would declare them jobless as more skilled workers from other Member-States would take up their posts and land. Xenophobia was also demonstrated by regional riots that erupted in South Africa in 2008, wounding or claiming the lives of many people, especially foreigners (Biswaro,2011).

Domestic and international financial and investment constraints, especially in the Third World, have also hampered regional integration, which requires considerable resources to plan, coordinate, implement and monitor progress in its implementation. There is low saving as a percentage of GDP, while foreign direct investment (FDI) remains elusive in Africa, Latin America and The Caribbean. Furthermore, official development assistance (ODA) has also been dwindling in some of these countries due to donor fatigue.

Lack of full private sector involvement at both planning and implementation stage has not elicited maximum deliberate input from this important sector, which usually has the

financial resources and owns productive capacity. In most countries the private sector remains weak and is still not well organized. Civil society involvement has also been wanting. In this connection, public and private sector partnership needs to be encouraged at all levels.

There is also a high degree of vulnerability to exogenous shocks, including heavy and unsustainable external debt burdens (the majority of HIPC's are in Africa), inadequate and erratic external resource inflows, adverse weather patterns, natural disasters and unfavorable terms of trade. Civil strife - itself a result of abject poverty and other forms of socio-economic and political instability - has also exerted its toll.

The way forward

Progress has been rather slow, and the reality has fallen far short of aspirations in most regional integration schemes. There is however, an ample room for improvement when it comes to implementation. Practical measures could be geared towards:

- a Eradicating wasteful or costly duplication of multiple memberships and rationalizing some overlapping sub-regional blocs. This should be based on priority needs and efficiency from comparative advantage. The recent Tripartite Arrangement involving COMESA- EAC- SADC, may serve as a good example to address this matter.
- b Securing irrevocable commitment beyond mere political rhetoric amongst member countries of the various sub-regional blocs to the ratification and punctual implementation of treaties, protocols and decisions etc., without inefficiencies, lapses or reversals is necessary.

Some difficult decisions concerning sovereignty must be taken for integration to take shape. Africa must therefore be ready to swallow the bitter pill.

- c The process should be all-inclusive and participatory. At the national level, there should be coherent co-ordination, awareness, engagement of the private sector and civil society, whole-hearted political will, and rules implementation and accountability.
- d Strengthening technical capacity for conducting informative cost benefit analysis and ensuring fair and equitable sharing of the costs and benefits of integration should be the starting point among Member States.
- e The capacity for comprehensive and consistent planning, policy formulation and implementation at the national level should be strengthened in the member countries to reduce the risk of conflicting policy objectives, and enhance synchrony and complementarity.
- f Providing the necessary financial and technical resources, in part through international, regional and national private sector involvement at all stages of integration is important. Foreign direct investment, equity investment, development of financial markets and increased technical and financial support through international development partnerships should be mobilized for this purpose. Member-States and sub-regional blocs, for their part, should create an enabling legal, institutional, socio-economic and political environment that supports and attracts financing for integration.
- g Member countries should pay the agreed financial contributions fully and punctually. Further more, considering that assessed contributions from member countries and external donor assistance may not be enough to fund integration programs and projects, other non-traditional sources of

funding need to be promptly explored.

- h The current AU dependency syndrome, whereby, over 90% of the Organization's programs and projects are funded by donors must seriously be addressed. For some of the donors' agenda are diametrically opposite to those of the AU. Self reliance should be encouraged.
- i Depending on the level of asymmetry, the solidarity principle needs to be encouraged and adopted. This could involve introducing trust funds which cater for specific projects in less developed Member States.
- j Development, harmonization and integrating of national and regional financial markets, including elimination of barriers and reducing risks affecting free movement of labor and capital is important.
- k Effective pooling of resources and expertise to tackle cross-cutting regional challenges, such as environment, terrorism, drug and human trafficking, infrastructure, governance, gender, HIV/AIDS, peace, security and conflict prevention and resolution, etc., can help to reduce the average costs of delivery, and also assist in harmonizing and raising standards.
- l Regional integration treaties, protocols, leadership and priorities should be unambiguous in providing binding rules-based frameworks and results-oriented milestones to guide national, sub-regional and regional actions required for envisaged eventual continental integration. Furthermore, effective monitoring, follow-up and

corrective mechanisms should be put in place and enforced. In this regard, the regional and continental bodies should be adequately staffed and resourced, with authority to act.

- m In Third-World regional integration schemes such as in Africa, negotiation capacity, especially in the area of multilateral trade, needs to be strengthened from a regionalized vantage point. A good lesson could be drawn from CARICOM.
- n The goals of regional integration must be broad and holistic instead of restricting them to economic matters which usually defeat its purpose.
- o The African Union in collaboration with the Regional Economic Communities must lead the process of Integration in terms of popularizing, sensitizing, and allaying fears among the African populace.
- p Integration and sovereignty should be conceived as complimenting one another and therefore not mutually exclusive.

These are prescriptions with several political ramifications, demanding complex institutions and structures and extensive political will, as well as unity of objectives and commitment. It is good to note that some of the propositions presented above depend largely on popular participation in its entirety. Without sufficient participation of various stakeholders in the political process where decisions relating to regional cooperation and integration programs and projects are taken or through adequate consultations, efforts and initiatives face the risk of becoming easy prey for sabotage.

We can conclude this overview of the development of various mechanisms of regional cooperation and integration in the 21st century with several brief observations, as follows:

First, regionalism is a truly global phenomenon and therefore imperative. Each regional integration arrangement will undertake the process, bearing in mind the specific material conditions existing in that region.

Second, within the global trend of regionalism there are important differences in the types of organization that are being set up, ranging from rather loose and non-binding agreements to the complex institutional architecture set up.

Third, there is no blueprint, simple or single path of regionalism. The way in which different regional mechanisms develop is contingent upon a multitude of factors, both internal and external to the region.

Fourth, one of the challenges that stand out and cut- across all regions is ceding sovereignty. But even this varies from one regional integration scheme to another.

Indeed, the journey towards a fully fledged regional integration in Africa and beyond could be long, rough and tough. Challenges and fears are enormous, but hopes, opportunities and prospects to the Promised Land are immense. The resulting mission is, however, inevitable.

Some difficult decisions concerning sovereignty must be taken for integration to take shape. Africa must therefore be ready to swallow the bitter pill. 🌍

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The functional conception: that African unity should be purely a matter of economic co-operation. Those who hold this view overlook the vital fact that African regional economic organizations will remain weak and subject to the same neo-colonialist pressures and domination, as long as they lack overall political cohesion. Without political unity, African states can never commit themselves to full economic integration, which is the only productive form of integration able to develop our great resources fully for the well-being of the African people as a whole. Furthermore, the lack of political unity places inter-African economic institutions at the mercy of powerful, foreign commercial interests, and sooner or later these will use such institutions as funnels through which to pour money for the continued exploitation of Africa."

Kwame Nkrumah

On three conflicting conceptions of African Unity

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"No integration can succeed without a real willingness to hand over the management of certain affairs to supranational authorities,"

"Africa will not succeed if each State, often the fruit of [unintended] circumstances and without deep roots, falls back on the fallacious heritage and marginalizes itself in the name of sovereignty," Mr Diouf said. "Insofar as some are not ready to accept the fact that shared sovereignty is the path to greater sovereignty, any effort at regional integration is condemned to stagnation."

Mr. Abdou Diouf

Secretary General of the International Organisation la Francophonie (OIF) and former President of Senegal

quote

Le concept même de souveraineté, longtemps inséparable de toute conception de l'Etat, doit être reconsidéré. Cette dernière pouvait se définir comme revendication légitime, par l'Etat, de la détention de l'autorité ultime sur un territoire, et la reconnaissance de cette autorité par les autres Etats. Or, son contrôle sur la société s'affaiblit ; le bornage de son territoire perd de sa pertinence face aux nouveaux enchevêtrements d'espaces politiques multiples (intégrations régionales, marchés uniques, flux transnationaux, etc.- voir chapitres 7 et 9) ; la mondialisation de l'économie le prive de nombre de leviers d'action sur l'économie nationale et l'oblige à compenser avec des autorités internationales nouvelles, comme l'Organisation mondiale du commerce (OMC) ou le Fonds monétaire International (FMI) (voir chapitre 6). On observe simultanément, à la surface du globe, une prolifération d'expériences politiques qui sont plutôt caractérisées par l'échec de L'Etat comme centre de décision effectif, comme autorité politique respectée et légitime. Différentes expressions résument ces échecs de l'Etat dans certaines parties du monde : «quasi-Etats» (les quasi-states de Jackson) ; Etats effondrés (les collapsed states de Zartman), Etats «manqués» (les failed states) ou boiteux (les lame states).

B. BADIE

Un Monde sans souveraineté: Les Etats entre ruse et responsabilité, Fayard, 1999.

In-Action - Contributions

The Inter-African Wars of Independence: Are They Necessary?

By Denis Atabong | English Reviser

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This article is intended to welcome South Sudan into the AU family and to reflect a little bit on why it has often taken decades of warfare and killings of millions in Africa for matters that will finally be resolved peacefully to be so resolved. We have the instruments that will permit us to resolve these conflicts and we advocate the peaceful resolution of conflicts. Where then is the problem?

We, in Africa, have just had the 2010 declared by the African Union to be the Year of Peace. We were all invited by the African Union to make peace happen. We took this to heart, and in various ways tried our best to give peace some attention, even if only in our minds. One aspect of the question of peace that came to mind was why Africa has often allowed so many decades of inter-African wars of independence, which lead to the butchering of millions of its people, diversion of badly-needed developmental resources to arms, underdevelopment and painful regression only for the parties to end up on the negotiating table. Was it so impossible for these conflicts to be resolved through negotiation without first resorting to war?

When the world was without law, and the only law that existed was might, more powerful peoples always found excuses to invade, loot and rape their neighbors; colonization and slavery was the order of the day. But since the creation of the League of Nations, the United Nations and the OAU/AU, there appears to have been some ground rules laid down which govern the acquisition of territory, boundaries, human rights and human dignity; which prohibit colonization and the subjugation of one people by another, and so on.

So why, even in the context of clear rules from the UN and AU, should we still have decades of wars on the African continent

as if the only way to resolve the differences is through might? There may be many explanations for this.

First, it is possible that after laying down these beautiful rules, we shy away from their application when the moment comes. We lay down rules in our moments of lucidity, and perhaps without a full understanding of their implications. Then when a problem arises, we try to deny the rule or refuse to apply it. There is a certain unwritten rule of conduct that unless a situation threatens the peace, no matter how it violates the fundamental texts of our organization, it will not be attended to. Politicians will make beautiful speeches but evade the issue; those who are charged with peace building and prevention will pretend not to see it. In this way, we carefully nurse the conflicts to become blown-out wars before we can finally express our concern for them. Through this attitude, violence has become the only language that our organizations understand. It is not uncommon, when a problem is raised, for parties to the conflict to be advised in secret to start their own war as the only means of attracting international attention to it! If you were to ask why you should start a war when all UN and AU principles advocate the peaceful resolution of conflicts, and when there are clear provisions governing your case, you will be told that those who pursue the peaceful resolution of conflicts do so at the risk of being ignored! The peaceful resolution of conflicts has become a liability to those who pursue it, not a credit! It will not be long, if you insist to try the peaceful resolution method, before you discover the bitter reality that peaceful resolution advocates do not yet exist; they exist only in speeches. All our early warning systems and the like seem to pass for nothing! It appears that to be listened to, you must seriously threaten the peace. So in Liberia, heinous vio-

lence and amputations of civilians were committed as the only way of attracting international attention. Criminals, rebels and secessionist groups who threaten the peace will be even bribed to the negotiation table, but not those who have a genuine case but are religiously following the principles of the AU and UN in doing everything possible to resolve it peacefully. Our unwillingness to support the peaceful resolution of conflicts until they become war has thus given the signal that to put yourself on the conflict map, you must take up arms. Now, how many of our conflicts have broken out into war because of this ambivalence? Who takes responsibility for these wars: is it those who are forced to play by these unwritten rules or those who have made the rules?

Second, there may be a divergence of opinion on the interpretation of the rules, or the organs of the Union charged to apply these rules may be playing politics with the rules rather than applying them. Here also, our organization has a problem. Technicians employed to apply the rules are often the first to point out how sensitive a matter is. When you hear this, know that they are tending towards politics rather than doing their job as technicians. Our role as technicians is simply to state the matter as it is according to the existing rules or fundamental texts of the Union, and not to make any value judgments on the situation at all. Our value judgments influence us to distort the situation to fit what we think our boss or whoever we report to wants to hear; they influence our judgment on the gravity and importance of situations. Because of this permanent desire to make value judgments, not even our courts have always managed to stay neutral. And so the continent simply lives in some kind of delusion when it thinks that it has setup institutions to resolve these problems. By playing politics with clear and

In-Action

Against this background, a new state has been born in Africa this past July 2011: Southern Sudan. The struggle was long, but it has had its logical conclusion. We welcome South Sudan into the AU family.

genuine cases, they allow wars to break out. Of course, many of the people sitting in their offices and taking decisions on these issues, as guilty as they are, will never be held responsible for starting the war. Their role in conflict generation has never even been assessed. Many of them may not even be personally committed enough to peace and so not bother about asserting Union principles in time to avert war.

Finally, it is always possible that we do not really believe in the principles we have laid down to govern our collective conduct, as states. The meaning of the word “believe” has been lost, so that we tend to think that to believe in something is one thing and to live by it is another. The true meaning of the verb to believe is “to live by”; thus we cannot say that we believe in something unless our actions in every sense are governed by it. The fact that we do not fundamentally believe in these principles means that we still believe only in force and are not willing to abide by any law. We abide by law only when it is not possible for force to prevail! Our instinct is still to resort to might.

It is not difficult to discover that many states or their leaders do not believe in our principles. Some of our politicians think that the number of states in Africa is sealed and must not be allowed to go beyond the current 53; some think that

integration and Union are against the birth of more states; that more states are bad for Africa; that those who demand self-determination are opposed to union, and so on. All these opinions must be regarded as personal and individual persuasions, until we ask the simple question: which principle of the Union says so? Once this question is asked, we discover that many opinions are very far from the principles of the Union. The concept of the African Union itself is not about the size of states; it is not about the number of states. It is about the meeting of minds; it is about understanding; it is about cooperation; and not just cooperation, but cooperation born from conviction about our own good within the Union. If we secretly think we can create union through inter-African colonization and the domination of one people by another, then we are in for more conflicts; for union and colonization are not the same concept. We must therefore empty ourselves of our preconceived notions and thoroughly imbibe the concepts that underlie Union.

When an issue arises, people tend to speak from the top of their heads without even for once referring to a single principle of the Union to support their opinion. The principles enshrined in the African Charter on Human and Peoples Rights, in the Constitutive Act of the Union, in the protocol to our Peace and Security Council, in the United Nations Charter, etc., all advocate self-determination; all of them prohibit the illegal acquisition of territory; all of them condemn colonization and the subjugation of one people by another. There is not one of the many conflicts in Africa, especially those based on the claim for independence, that are not linked to a demand for the application of one or more of these principles. All of these are principles of JUSTICE, a word we hardly hear when we talk about peace in our continent. The African Union Constitutive Act enshrines the principle of the respect of boundaries inherited at independence in Article 4(b) (*uti possidetis*); the ACHPR entrenches the equality of Peoples and their right to existence in Article 19 and 20; the determination to rid Africa of **all** forms of colonization is

stated in Article 2 of the OAU Charter; Article 2(4) of the UN Charter forbids the use of force inconsistent with the Charter; Article 102 of the UN Charter imposes the obligation to register treaties; and so on. When all of these instruments are collectively applied, they become a formidable instrument against which every inconsistent behavior can be easily identified. If we are but willing to apply these beautiful principles, and not play politics with them, it will be much easier to bring about peace on our continent. No case would be able to escape the clear application of all these rules.

The birth of states has been known to be the bloodiest birth known to humanity. Hardly is there a state born without bloodshed, but this must be counted as part of our primitively and backwardness! There is absolutely no reason for this! The wars that have ravaged our continent are always wars against inter-African colonization and subjugation of one African people by another; inter-African illegal acquisition of territory; inter-African domination. It is irrelevant whether we are talking of the Western Sahara (15 years and counting), of Ethiopia-Eritrea (30 years), of Sudan-Southern Sudan (21 years), of Southern Cameroons-Republique du Cameroun (simmering) or any other one. Every single one of these cases falls within the rules laid down either by the UN, the AU or both.

Against this background, a new state has been born in Africa this past July 2011: Southern Sudan. The struggle was long, but it has had its logical conclusion. We welcome South Sudan into the AU family. The birth of this new state is a lesson to Africa that history has not stopped unfolding and will not stop! Some might have been bitterly opposed to its coming into being, again not out of any principle of the Union rightly understood, but out of preconceived illusory notions. The concept of union understood by these people is more akin to olden-day forced marriages than that of union. There shall be no forced marriages in the 21st century! It will not be long before we discover that our opposition to the birth of more states is empty fear, unfounded in any logic, either of the human being or of his-

tory. It is not because we have formed the African Union that the processes of nature which lead to the birth and death of states will cease to exist; it is not because of our Union that the human aspiration to freedom will cease to exist; the demands for justice in a continent where force is still perceived as a way of keeping people together can only grow. And mark you, every day that dawns sees only more victory for freedom. If we take a look at nature, we discover that greater freedom, feared so much by many, will not lead to anarchy but to greater perfection. Let us take it easy, no one will fall over the edge of the earth; state formation will not cease because of our Union.

Of all the factors enumerated above, that which appears to come closest to explaining the prevalence of constant wars of independence on the African continent appears to be that of application of the rules we have laid down. First of all, some Africans always tend to see colonization as referring only to the colonization of Africans by non-Africans. They are quick to make beautiful speeches and condemn, but when it comes to inter-African colonization, their attitude changes inexplicably. This is to indicate that we have never truly rejected colonization for the crime it is; we are willing to condone it when it is perpetrated by Africans against Africans! We are willing to tolerate slavery when it is practiced by Africans against Africans; we are willing to tolerate domination when it is practiced by Africans against Africans! Africa must be careful, because it has not shown proof yet that it will be more law-abiding than the countries it criticizes, be it for indebtedness, for climate change, brain drain, for colonization or any other evil. Let us not take comfort in the fact that we ourselves do not yet stand to be judged.

In view of these observations, we can only secure peace for our continent if we acknowledge the laws of history rather than think that we can stop history because of our union; if we understand the fundamental aspirations of the human being and human groups and give vent to them; if we thoroughly imbibe the concepts of the Union rather than supplant

them with our individual persuasions.

But what can we do in the short run, given that changing mentalities is an uphill task? One important way of resolving conflicts is through the justice system. The African Court on Human Rights would have been the ideal instrument to hear and resolve most of these conflicts without there ever being a need for a gun shot. Alas, out of fear, we have prevented the victims of our injustices from being able to seize this court! I venture to say that it was wrong and remains wrong to put in the protocol to that Court that victims of our injustices can only seize that court if their violators, the states, give their consent. This is the import of Article 34(6) of the protocol. The consequence of this article is that the court has been virtually idle for all the years of its existence, despite the acute conflicts ravaging the continent. The reason for this provision seems to have been to persuade the states, all too aware of their injustices, to ratify the protocol. Let us consider the matter this way: what would have happened if instead of preventing access to victims of the very violations for which the court was created to address, the protocol instead provided that states charged with crimes before the court may opt not to defend themselves? The court would then hear the matter on the basis of the evidence adduced and make its ruling, whether the state charged defends itself or not. Tactically, this would open the door to diffuse most of the conflicts and put the states concerned on the defensive. Even if the state concerned were to say that the judgment is not binding on it, other states would now, on the basis of the ruling and report of the court, become fully aware of the problem and this would shift perceptions and attitudes. The African Union as an organization would recognize the ruling and act upon it. Only a guilty state would opt not to defend itself when charged! Courts have never been created for violators, but always for victims or perceived victims. It is indeed tragic that our victims have no access to this court. What is needed to change this situation is a critical mass of forward-looking states and leaders

that are prepared to see real peace on the continent. But the Commission itself must put all these options before them and apply every conceivable method to win adherence, through persuasion, coaxing and so on.

Going back to our initial question whether all these wars are necessary, we must conclude that if the demand for justice underlies these wars, then we have the instruments to do justice; we have the structures to do justice, but fear to do it. Politicking, unfortunately, continues to prevail over everything. There can be no peace without justice, no understanding without justice. If we open our African Court on Human Rights to victims of human and peoples' rights violations, we can significantly reduce the number of conflicts on the continent. To allow our people to be butchered for decades only to end up doing what could have been done at the very beginning is still unthinkable. We can certainly do better. 🌍

In-Action

The African Court on Human Rights would have been the ideal instrument to hear and resolve most of these conflicts without there ever being a need for a gun shot.

Strategic Action Plan for Implementation of AfricalInfo Database Initiative 2011-2015

I. Background

Since the establishment of the Organization of African Unity (OAU) in 1963, African leaders have expressed their desire to steer Africa towards socio-economic, cultural and political integration. Many initiatives, in this regard, have been made in order to unite the continent and to provide better living conditions to its people.

For the effective implementation of these commitments and ensuring that they achieve their objectives, there is a great need for reliable and harmonized statistics in all these areas. Indeed, without statistics, it is difficult to plan, manage, monitor, evaluate and measure the impact of the development outcomes on the life of the populations. However, on the continent, there are a number of challenges facing the statistical development and dissemination. This is due to a number of impediments including, among others, inadequate resources, lack of institutional framework, inadequate coordination of statistical activities and dissemination tools. Definitely, the production and utilisation of African statistics calls not only for the adoption of harmonized and standardized definitions and concepts; but also the utilisation of a common methodology for statistical production and appropriate technological solutions for the management and dissemination of statistical data and information.

For these reasons, the Strategy for the Harmonisation of Statistics in Africa (SHaSA) and many other initiatives were developed under the auspice of the AUC, AfDB, and UNECA to respond to these challenges and coordinate statistical activities with the view of generating timely, reliable and harmonised statistical information, covering all aspects of political, economic, social and cultural integration for Africa.

One of the strategic objectives of SHaSA is to lead to consistent dissemination of data and accessible statistical information for better decisions. This entails the development of tools for data dissemination, resulting in increased usage of statistics and improved quality of decisions as well as economic and social outcomes.

DevInfo technology was then selected as the appropriate platform to build on during a consultation meeting of Director Generals of National Statistics Offices from Africa held in 2003, in Addis Ababa, Ethiopia. In 2010, with the support of UNICEF, a web-enabled prototype called *AfricalInfo* was successfully implemented and made available at www.devinfo.info/AfricalInfo. The prototype was launched during the Meeting of Committee of Director-Generals of National Statistics Offices (NSOs), held in December 2010 in Yaoundé, Cameroon. Following the endorsement and the Resolution 882 (XLIV) passed on *AfricalInfo* by the AU Conference of Ministers of Economy and Finance and UNECA Conference of African Ministers of Finance, Planning and Economic Development held in Addis Ababa in March 2011, the AUC, AfDB, UNECA and UNICEF have developed this strategic Action Plan for the effective operationalisation of *AfricalInfo* as a common African database platform to provide high quality and harmonized data to inform the development, monitoring and evaluation of regional and continental policies and programmes, as well as assessing progress with the implementation of continental commitments and internationally agreed objectives.

This initiative is also in response to the RCM's Declaration in 2006 on; "Enhancing AU-UN Cooperation: Framework for the Ten-Year Capacity Building Programme for the African Union," and which, among other things,

also outlines the need for a database for the continent.

The *AfricalInfo* initiative is expected to contribute to further harmonization and dissemination of key development and integration indicators for African efforts to build capacity for better planning and monitoring of African development programmes.

II. Goal, Objectives and Scope

II.1. Overall Goal

The aim of the *AfricalInfo* initiative is to support evidence-based policy formulation and programme planning, implementation, monitoring and evaluation by making available timely and accurate statistical data covering all areas of African integration and development.

II.2. Operational Objectives and Outcomes

The operational objectives and outcomes of the *AfricalInfo* initiative are:

- a To make socio-economic statistical data and information on Africa readily available on a regular basis and in a user-friendly manner;
- b To provide tools for monitoring, evaluation and reporting on the implementation of commitments, decisions and policy frameworks adopted by African countries; and
- c To contribute to strengthening the capacity of development professionals and statistical organizations to analyze evidence around development opportunities and challenges.

II.3. Scope

The scope of the plan is:

- i To provide a means for collating and integrating data from databases of the partners and other sources for policymaking and programme implementation

at sub-regional, regional and continental levels;

- ii To complement other database initiatives at national, regional and continental levels and to assist in bridging data gaps where feasible; and
- iii To provide data and information necessary for generating composite indicators for monitoring the implementation of AU commitments covering all areas of African Integration.
- iv To provide capacity support at continental level to all African countries to use similar concepts and capabilities in their decision-making and monitoring and evaluation.

III. Governance

The governance structure of the *Strategic Action Plan* is modeled on structures and coordination mechanisms used for other statistical initiatives.

III.1. Steering Committee

The *AfricalInfo Steering Committee* shall be established as the decision-making body of the *AfricalInfo* initiative. The committee shall be composed of directors of the appropriate departments of AUC, UNECA, AfDB, UNICEF and RECs. The committee shall provide guidance and oversight on the implementation of the initiative, allocate responsibilities among the implementing partners according to their comparative capabilities, mobilize resources to cover funding gaps for the implementation and create visibility to the *AfricalInfo* initiative. The committee shall meet at least once every year, and it shall report to: CoDG, Statcom, ASCC, the AU/UN Regional Coordination Mechanism (RCM) and the AU Conference of Ministers of Economy and Finance and UNECA Conference of African Ministers of Finance, Planning and Economic Development.

III.2. Technical Working Group

The *AfricalInfo Technical Working Group* shall be established to coordinate the implementation and continued operation of the *AfricalInfo* database. The working group shall be composed of technical focal points from AUC, UNECA, AfDB, UNICEF, and RECs. Technical focal points from other development partners may be included in the working group upon approval by the Steering Committee. The working group shall prepare and implement annual work plans, provide technical guidance and advice for the implementation of the initiative, and monitor and evaluate activities. It shall also submit regular reports to the Steering Committee on the status of implementation. The working group shall meet as often as is necessary for the coordination of their work, with a minimum of two meetings in a year.

III.3. Operational Team

The *AfricalInfo Operational Team* shall be responsible for the overall technical work of implementing and maintaining the *AfricalInfo* database. It shall be composed of technical experts nominated by AUC, UNECA, AfDB and UNICEF. The team shall coordinate actual technical work of receiving, collating, verifying, validating and uploading data into the *AfricalInfo* database, and continuous updating and managing of the database. The team shall plan, organize, and conduct consultative and capacity building events, including meetings and workshops, for the implementation of the initiative. The team shall implement the *AfricalInfo* communication plan and report to the Technical Working Group on its activities and use of resources. The team will be led by the *AfricalInfo* Database Administrator assigned by AUC/DEA.

III.4. Secretariat

The *AfricalInfo Secretariat* shall provide administrative support to the Steering Committee, the Technical Working

Group and the Operational Team. The Secretariat shall convene the meetings of Steering Committee and Technical Working Group under the direction of their respective chairpersons. It shall receive and retain copies of the minutes of the meetings of the governance organs of the *AfricalInfo* initiative, as well as their various reports. The secretariat shall be located at AUC for political reporting.

III.5. Internal Communication

i Stakeholders Analysis

The direct beneficiaries of the project are the AU, AfDB, UNECA, UNICEF and other statistical organisations. The *AfricalInfo* initiative will enhance the collation, compilation and integration of data from various sources to produce data and information products that could be produced from the individual databases.

AfricalInfo initiative will therefore benefit all segments of African society, including, governments, populations, the private sector, parliaments, civil society, Non-Governmental Organizations (NGOs), researchers, information scientists, educational institutions, international organizations, development partners, etc. It will help governments to formulate and monitor their policies. The African population, Civil Society Organizations (CSOs), NGOs and parliaments will be able to use data and statistical information to assess if the policies and programmes adopted by government bodies are effectively implemented, and if they impact the lives of African populations. It will also help the private sector to find business opportunities. Development partners and international organizations could also use this initiative to assess information gaps and identify areas where support may be needed to statistical organizations on the continent.

The table below represents the stakeholders' analysis, their needs, responsibilities and interests in *AfricalInfo* initiative.

Stakeholders	Interest/Needs, Responsibilities	Likely Impact/Strategies for Reducing Obstacles
AUC, AfDB, UNECA, UNICEF, and RECs	<ul style="list-style-type: none"> • Present in friendly manner quality statistical data and information; • Improved coordination of data compilation and dissemination • Coordinate the implementation of the action plan 	<ul style="list-style-type: none"> • Collaboration extremely important for the implementation of the action plan; • Share information efficiently; • Improved communication mechanism.
AU Policy Organs	<ul style="list-style-type: none"> • Make sound, evidence-based policies and decisions; • Scale up planning, implementation and monitoring of the implementation strategies on African integration and development programmes; • Provide information on policy frameworks and commitments on Africa's integration and development 	<ul style="list-style-type: none"> • Some influence on the quality of the implementation of the action plan; • Involve them in the activities of the work group; • Share with them information on the implementation of action plan.
NSOs	<ul style="list-style-type: none"> • Provide statistical data and information for the database updating; • Participate in the meetings of Working Group; • Develop similar capabilities and functionalities in their offices. 	<ul style="list-style-type: none"> • Keep them informed on the progress made and difficulties encountered; • Designated a focal point for the working group meeting.
All African Government Segments (Ministries)	<ul style="list-style-type: none"> • Make sound, evidence-based policies and decisions; • Scale up planning, implementation and monitoring of the implementation of national development strategies and programmes; • Better identification of vulnerable groups and better targeting of interventions • Build an accurate picture of what is happening at national, regional and continental levels 	<ul style="list-style-type: none"> • Some influence on the quality of the implementation of the action plan; • Keep them informed on the progress made.
Statistical data and information users (private sector, NGOs, CSOs, parliaments, academicians)	<ul style="list-style-type: none"> • Influence and evaluate governments decisions and programmes; • Assess to what extent governments and AU policies are effectively implemented by countries, and if they impact the lives of African populations; • Assess market demands, investment opportunities, risks, projects; 	<ul style="list-style-type: none"> • Some influence on the quality of the implementation of the action plan; • Inform public on the availability of the database.
Multilateral and Bilateral partners, UN Agencies, Regional and international Organisations	<ul style="list-style-type: none"> • Help build statistical capacity and effectiveness; • Monitor their activities in the countries for international and regional reporting; • Monitor performance of programmes 	<ul style="list-style-type: none"> • Some influence on the quality of the implementation of the action plan; • A streamlined and better coordinated statistical programme for effective assistance; • Assess requirements for assistance; • Keep informing them on the progress made.

ii Stakeholders Information Requirements

The table below represents the Information Requirements and the flow

of information among the Stakeholders. The information include reports of various meetings organized, important documents and information of the implementation process, Press releases and priority issues to be handled, etc.

Legend	Information Type				
A - As Required/updated D - Daily M - Monthly S - Semester Y - Yearly	Executive Reports, Press & News Releases	Monitoring and Evaluation Reports	Minutes of the Meetings of Steering Committee	Minutes of the Meetings of Technical Working Group	Priority Issues
Operational Team	Y	Y	Y	S	D
Working Group	Y	Y	Y	S	A
Steering Committee	Y	Y	Y	S	M
AU Policy Organs	Y	Y	Y		
NSOs	Y	Y	Y		
All African Government Segments (Ministries)	Y				
Statistical data and information users (private sector, NGOs, CSOs, parliaments, academicians)	Y				
Multilateral and Bilateral donors, UN Agencies, Regional and international Organisations	Y				

IV. Five-year Action Plan

IV.1. Outputs, Activities and Deliverables

The five-year action plan has been developed for 2011-2015. The plan provides details on the expected outputs, activities, time frame and responsibilities.

IV.2. Budget Summary

The summary budget provides the total budget requirement for the action plan per year. See Annex A for the details of the budget. The budget will be reviewed by the Steering Committee when resources would be sanctioned to implement the plan.

V. Risk Management

Importance risks (and corresponding risk descriptions) that could jeopardize the realization of the Strategic Action Plan outcomes have been identified. The related mitigation measures to minimize or eliminate the impact of such risks on the success of the Action Plan have also been identified. Both risks and mitigation actions are presented in the table below.

Major Risk	Description	Impact and mitigation measures
i Resources and commitments of members of the steering Committee		
1 Mobilisation and securing all resources to cover Action plan budget	Required resources may not be availed on time by all partners to complete the action plan.	<ul style="list-style-type: none"> This will delay the implementation of the Action Plan. Strong Advocacy among all potential donors
2 Unsustainable commitments	Partners committed to fund parts of the Action Plan may not be sustainable along the whole life-cycle of the Plan.	<ul style="list-style-type: none"> This will delay and impact the quality of the implementation of the Plan; Undertake a strong Advocacy.

Major Risk	Description	Impact and mitigation measures
ii Implementation of risks		
3 Problems coordinating the Action Plan	Some tasks may be implemented in parallel by different structures. Some key statistical organizations to be involved in the initiative.	<ul style="list-style-type: none"> This will impact the quality of the implementation. This requires transparent, coherent coordination and information sharing among all governance structure;
4 Inadequate allocation of resources (budget, human, and materials)	Some activities may have been underestimated	<ul style="list-style-type: none"> This will impact the quality of the implementation. Revise regularly and adopt annual work plans and required budget
5 Delay in resources disbursement	Disbursement of some resources may be delayed	<ul style="list-style-type: none"> This will impact the schedule of the implementation. Ensure timely disbursement of all required resources Seek for pre-financing from other partners
6 Possible weakness of NSOs to collect quality data	NSOs may not have the capacity to collect data required to update AfricalInfo	<ul style="list-style-type: none"> This will impact the quality of the AfricalInfo; Identify capacity needs and complement action plan with other statistical initiatives to assist them

VI. Monitoring, Evaluation and Reporting

The *AfricalInfo* Steering Committee will meet at least once a year to agree on the details of the annual work plan and to review progress made to date.

The *AfricalInfo* Technical Working Group will meet at least twice a year to address technical issues and to review the monthly progress of the initiative.

The *AfricalInfo* Secretariat will prepare monthly progress reports on the implementation of the initiative. These reports will be submitted and reviewed by the Chair of the Technical Working Group. The reports will contain the progress made against each deliverable in the annual work plan and a financial report. (See Annex A for a list of key performance indicators for the initiative and deliverables.)

VII. Communication Strategy

The *AfricalInfo* Communication Strategy will produce advocacy materials to ensure that the database is put to good use in evidence-based decision making. The strategy includes:

- a An *AfricalInfo* web portal with social networking tools
- b Posters on key development themes to be used in exhibits and conferences
- c Flyers and brochures on the initiative and covering key thematic areas
- d Banners for use in public areas in government institutions
- e Branded CDs and USB keys for dissemination of the database
- f Short documentary videos to be uploaded on the *AfricalInfo* website
- g Regular series of press releases and news articles on the implementation of *AfricalInfo*
- h Country profiles for senior government officials and donors on thematic priorities
- i Data on demand on mobile phones and tablets
- j Orientations for parliamentarians and Heads of State
- k Training materials for STCs, RECs, universities and high schools
- l Monthly webinars on key *AfricalInfo* themes

Annex A

AfricalInfo Budget Details

Budget Notes

The budget line item Task 3.1.1 is provision for full-time operational team at AUC *AfricalInfo* Secretariat.

Travel budgets are estimated on general travel costs while it is assumed that actual travel expenses would be reimbursed against actuals according to UN guidelines for airfare, daily subsistence allowance and terminals.

The DevInfo Support Group unit costs included in the budget details are based on the current UNICEF DevInfo Long-term Agreement for Services (LTAS 42103101) and are subject to change.

The annual work plan and budget would be reviewed and sanctioned by the *AfricalInfo* Steering Committee. 🌍

quote

"We should not allow our individual economic priorities and political inclinations to override the greater gains our people will realize with enhanced integration efforts, since it is possible to retain a respectable level of sovereignty and at the same time promote economic integration,"

"What we are being called upon to do is to look at practical ways and means of realizing this long cherished dream for Africa. We need to make smart recommendations that take into account economic, social and political realities in our continent,"

H.E. Mwai Kibaki

President of the Republic of Kenya

In order to obtain further reading materials:

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- 5 Ray Barrell and Amanda Choy, (March, 2003), "Economic Integration and Openness in Europe and East Asia", NIESR
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