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From union of tyrants to power to the people?

The significance of the Pan-African Parliament for the African Union

Klaas van Walraven¹

Abstract

This article analyses the significance of the newly established 'Pan-African Parliament'. As one of the few genuinely new institutions of the 'African Union' (AU) – itself the successor of the 'Organisation of African Unity' (OAU) –, the Parliament's birth could provide the institutional transformations that have taken place in continental politics with more concrete meaning. After sketching the historical background to the idea of parliamentary representation in the (O)AU, the article outlines the African Union's formation and how this interconnected with the notion of a parliamentary gathering. It analyses in detail the Parliament's Protocol, the structures and powers with which it was provided, and its formal relations with the other organs of the Union. The article describes how the Parliament was formally launched in March 2004 and then gives an assessment of its possible impacts on the institutions of the AU; on AU policy-making; and on the Union's member states. Its potential role in the review mechanisms of the CSSDCA and NEPAD is also discussed. The article concludes that the Parliament's influence will remain marginal for the foreseeable future.

Keywords

The African Union, Parliaments, Parliamentary functions, Parliamentary structure, International governmental organizations, Reforms

1 The author wishes to thank the anonymous referees for their comments on an earlier draft of this article.

Introduction

On 18 March 2004 the 'Pan-African Parliament' was formally inaugurated in the Ethiopian capital, Addis Ababa.² The administration of the oath of office, election of its president and deliberations of its first session were heralded as a landmark in the institutional transformations taking place in Africa's continental structures of co-operation since the early 1990s. The Pan-African Parliament was held up as one of the few genuinely new institutions added to the structures of continental co-operation of the 'African Union' (AU), which, under a new name, still partly represents a continuation of its predecessor, the 'Organisation of African Unity' (OAU).

The Parliament's inauguration follows on a decade of continual reform in Pan-African structures. Most of these reforms have been aimed at improving the handling of the continent's many violent conflicts, as well as at providing a more effective answer to Africa's continuous underdevelopment. Thus, in 1991 OAU member states adopted a treaty for an 'African Economic Community' (AEC) intended to boost continental economic integration. In 1992 the OAU's secretariat established a 'Conflict Management Division' designed to improve the monitoring of (violent) political developments. One year later, the organisation introduced a 'Mechanism for Conflict Prevention, Management and Resolution' aimed at enhancing its response capacity vis-à-vis conflicts.³ By improving the co-operation between the Secretary-General, the dynamic Tanzanian Salim Ahmed Salim, and the organisation's supreme organ, the Assembly of Heads of State and Government, the OAU did superficially ameliorate its record in conflict mediation. The Assembly's Bureau regularly convened in emergency session to provide political back-up to the innumerable mediation efforts launched by the Secretary-General in conflicts, ranging from civil strife in the Great Lakes region, the Comoros and Madagascar through to the dramatically 'conventional' war between Ethiopia and Eritrea.

However, this flurry of activity was, on the whole, marked by a reliance on time-honoured moderating tactics that proved impotent in conflicts of high intensity. Without effective continental leadership, the OAU continued to rely on the United Nations, and to acquiesce in the more robust forms of conflict intervention of Africa's sub-regional organisations. Amid seemingly enduring civil wars, the organisation's chronic budget deficits and Africa's consistent failure to catch up in the global economic rat race, soul-searching for more effective institutional answers continued. Spurred on by Libya's aspirations of staking out a

2 See the African Union's website www.africa-union.org (accessed on 4 March 2004).

3 See for discussion Wembou (1994); Matthies (1996); Edimo (1997).

more prominent role for itself in continental politics, and with the backing of some of its more important member states, the OAU in 1999 embarked on a wholesale transformation of its structures, culminating in the formal inauguration of the African Union in May 2001.

In this transformation process, the Assembly of Heads of State and Government was renamed the 'Assembly', the Council of Ministers became the 'Executive Council', and the secretariat was dubbed 'the Commission'. The AU's first ordinary session in Durban, South Africa transformed the Assembly's Bureau, in recognition of its increased role in conflict mediation, into a 'Peace and Security Council' (2002).⁴ While granted powers in 'peace support' operations, this Council can only *recommend* to the Assembly – which retains overall institutional control – the possibility of interventions in member states afflicted by war crimes, crimes against humanity or genocide.⁵

Other organs catered for in the plethora of the AU's institutions, however, had already been planned a decade earlier, without any steps towards their realisation having been taken since: the AEC treaty of 1991 not only stipulated continental monetary union as a long-term objective, but also provided for the establishment of a 'Court of Justice' and a Pan-African Parliament. The heralding of the African Union therefore appeared to confirm the lack of progress achieved in the implementation of the AEC treaty, and met with sceptical comments from many observers. This scepticism was reinforced by the unrealistic nature of some of its 'new' policy objectives – like continental economic integration and the setting up of an 'African Central Bank' – and by the fact that, despite the change in names, old OAU organs appeared to some extent to be clothed in new institutional jackets.

Thus, the actual birth of the Pan-African Parliament could be interpreted as *prima facie* evidence that the OAU's transformation into the African Union has now progressed beyond a mere renaming of institutions. Yet, the question to be answered here is whether the Pan-African Parliament is such a significant institutional development as it is made out to be by contemporary observers. What meaning does the Parliament have for the evolution of the African Union? Will it affect its functioning? What role could it play in the new structure? Will it change the nature of the African Union? This article seeks to provide some preliminary observations by sketching the historical

4 A protocol to this effect was adopted and ratified by a majority of member states. It entered into force on 26 December 2003. List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention on Protocol Relating to the Establishment of the Peace and Security Council of the African Union (as on 11 March 2004).

5 Although it may institute sanctions against member states in case of an unconstitutional change of government. See art. 7.1.g of the protocol cited in the note above. The context of this article would presumably suggest that peace-support missions require the consent of the member state concerned.

background of the idea of parliamentary representation in the (O)AU; the structures and powers of the Parliament; its relations to the African Union and its other organs; and its potential roles both in the context of the AU and, externally, in that of the 'peer review' mechanisms launched under the 'Conference on Security, Stability, Development and Cooperation in Africa' (CSSDCA) and the 'New Partnership for Africa's Development' (NEPAD). Here it is contended that, for the time being, the Parliament will only be able to marginally affect the AU's internal power structures, its policy-making processes and, through the above-mentioned peer reviews, the behaviour of member states.

Historical background of the idea of parliamentary representation

Parliaments are the symbol of 'democracy'. They are held to stand for the influence of 'the people' on the way they are governed. This is true for parliaments operating at the national level and for parliaments that are part of international organisations. The fact that the OAU never provided for a parliamentary body was, in this respect, not coincidental. It underlined the extent to which the organisation represented an organisation that catered almost exclusively to the interests of Africa's state elites – often to the detriment of the majority of the unprivileged and powerless. The OAU's structures were therefore highly *étatiste*, precluding formal representation of popular interests, while organs not composed of state representatives were few and lacked clout. From the beginning, the voice of domestic opposition elements was effectively silenced. Policies were geared to an institutional desire to uphold the power of the continent's political leaderships. The mediation of inter-state conflicts was, for example, affected by a propensity to limit the potential injury they could cause to the interests and self-esteem of state elites. Intra-state strife was declared out of bounds and the bias towards state elite interests led to a grotesque disregard for developments inside member states. Hence, Africans outside the corridors of power developed very negative ideas about the Pan-African body, one of the most popular perceptions referring to the OAU as a trade union of tyrants. From the late 1970s, opposition interests in member states therefore began to plead for the organisation's transformation into a 'peoples' OAU' – an idea that remained inarticulate, but stood for a degree of 'popular' representation inside the Pan-African institution.⁶

By the early 1990s these aspirations were fully unleashed at the *national* level, finding conceptual expression in the struggle for multi-partyism,

6 Van Walraven (1999): ch. 8.

'democracy' and 'good governance' in the OAU's member states themselves.. As member states could no longer afford to ignore their domestic audiences, so the OAU was also forced to show that it catered to more than government elites alone. One way of doing this was by adoption of the AEC treaty in 1991, which provided, on paper, the first opportunity for the representation of parliamentary interests inside the OAU. Yet, while the treaty entered into force shortly after,⁷ the realisation of the parliamentary body was slow in coming. In retrospect, what was important was that the AEC treaty stipulated that a Pan-African Parliament be put on the rolls, although seemingly limiting its role to involvement in the continent's 'economic development and integration' and postponing its beginning until a Protocol had defined its composition, functions and powers.⁸

The inter-governmental lip service now paid to the idea of parliamentary representation should be seen in the wider context of increased OAU concern, in the 1990s, with interests and groups other than governments. Yet this newly professed sympathy for non-governmental, 'popular' and even 'grass roots' interests, notably by the OAU's secretariat officials, should not simply be equated with pleas for parliamentary representation at the Pan-African level. The roles and interests of 'popular' or non-governmental groupings may not be identical to those of (national or continental) parliamentarians. As shown below, NGOs gained other forms of representation inside the African Union and their role – which would warrant a separate analysis outside the scope of this article – should not be confused with the institutional function of a parliamentary body. Yet the new OAU concern with non-governmental questions did help set the stage for a reform process, in which the idea of a permanent body to monitor, criticise and discuss with the purely inter-governmental organs of the Pan-African organisation could gain more credence.

Thus it was especially the OAU's Secretary-General who tried to encourage change in the role that the organisation played in Africa's political order. His visions reflected the critiques that non-governmental groupings had levelled against the OAU in the past.⁹ He was seen visiting refugee camps, talking to the disenfranchised and even inviting those claiming to be their spokesmen to headquarters. For example, in 1996 the OAU secretariat organised a conference at which numerous non-governmental groupings with

7 1994. By July 2003 it had been signed by all member states except Eritrea, with only six member states that had not ratified it. EX/CL/36 (III): Report of the Interim Chairperson of the Commission on the Status of AU Treaties, Maputo, 4-8 July 2003: 13.

8 Article 14, sections 1-2 AEC Treaty.

9 See, for example, 'OAU at 30: Reflections on the Past and Prospects for the Future: Address by the Secretary-General, H.E. Dr. Salim Ahmed Salim on the occasion of the 30th Anniversary of the Organization of African Unity', Africa Hall, Addis Ababa, May 25, 1993.

roots in what was called 'civil society' were represented: they were allowed to freely criticise the role of state elites in their presence, intervene in plenary debates and articulate their ideas. Whatever the merits of these views, they constituted a radical departure from a past propensity to cover painful subjects with a deafening silence.¹⁰

This development was not just carried by the organisation's secretariat staff – who could be held to have an institutional interest in expanding the organisation's agenda –, but also by Western donors and some of the OAU's more 'enlightened' member states.¹¹ It interlocked, in this respect, with initiatives taken by member states wishing to contribute towards a new continental order from an inter-governmental angle, such as the 'Kampala Forum' (1991). This forum planned to establish a semi-permanent Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) that would encourage political pluralism, limited tenures of political leaders, free and fair elections and regular monitoring of human rights records. Analogous to the Helsinki processes in Eastern Europe, this could indirectly help strengthen the weight of non-governmental (if not parliamentary) interests by providing them with the documentary sticks with which to censure deviant regimes. Yet its implementation was still firmly set in the (post-) governmental sphere, *inter alia* through elder statesmen or 'eminent personalities'.¹²

The evolution of the CSSDCA was, moreover, rather slow¹³ and only received a new boost with the transformation of the OAU into the African Union and the birth of another initiative – NEPAD (see below). What was, perhaps, the most important aspect of the CSSDCA initiative was the lip service it paid to the idea of periodic reviews of government records as such. These reviews were, however, to be executed by *peers*, i.e. fellow government officials (ministers, heads of state, diplomats) rather than by parliamentary representatives. In this sense they were at odds with the decision, in the AEC treaty, to work towards parliamentary representation in the OAU, while they would not provide a permanent outlet for criticism. This is further discussed below.

10 The author was present at this conference. Comparable conferences were held in 2001 and 2002.

11 Senegal springs to mind here.

12 Draft Kampala Document for a Proposed Conference on Security, Stability, Development and Co-operation in Africa', II.B & III.D.

13 Kornegay (2000): 22.

The African Union

To some extent the adoption of the AEC provisions on a Pan-African Parliament conformed to standard OAU practice to procrastinate in case of lack of agreement among member states. An idea as such could be lauded in non-committal principle, whilst postponing implementation until such time as its necessary specification had been ruled in procedural arrangements never to be endorsed.¹⁴ Implementation of the AEC treaty, however, was scheduled to take place gradually over a transitional period not exceeding 34 years, with the setting up of the Pan-African Parliament and election of its members to be realised during the sixth and final stage.¹⁵ Yet, in the different context of the 1990s, the idea for a continental parliament assumed some urgency and, by the end of the decade, became interlocked with the negotiations on the OAU's transformation into the African Union.

As much has already been written on the establishment of the AU,¹⁶ here we focus on some of its underlying ideas and how these interconnected with the notion of the Pan-African Parliament. Like the Charter of the OAU, the African Union's 'Constitutive Act' was the product of a compromise. The Assembly's decision to convene an extraordinary summit in September 1999 was taken in order to discuss 'ways and means of making the OAU effective so as to keep pace with political and economic developments taking place in the world and the preparation required of Africa within the context of globalization'.¹⁷

While these considerations betrayed some of the member states' long-term concerns, much of the input for the Union came from the Libyan leader Qaddafi, who managed to persuade member states to accept the Libyan town of Sirte as venue. Engaging in surprise tactics, the Libyans sprang a fully fledged draft 'founding treaty' for an 'African Union' upon the summit, which had not circulated before and was at considerable variance with a preparatory declaration of the OAU's own secretariat. Predictably, this fuelled suspicions among heads of state about Libya's intentions and produced a deadlock that could only be broken by consultations among certain key countries. South Africa, Nigeria, but also Egypt and Mali, besides Libya, actively engaged to affect the outcome of these negotiations. Of these, Egypt and Nigeria had traditionally rivalled with the Libyan leader and tried to restrict his presence north and south of the Sahara – of which countries like Mali were

14 Rapid ratification of treaties has, in this respect, never been *prima facie* evidence of political commitment. See Bula-Bula (2002): 67 and Van Walraven (1999): ch. 5.

15 Art. 6.2.f.iv AEC Treaty. Also, Mathews (2001): 115 and Genge (2000): 2-3.

16 See Meyns (2001) and sources cited elsewhere in this article.

17 AHG/Dec.140 (XXXV).

potential victims. In contrast, South Africa's government entertained cordial relations with Qaddafi in gratitude for his support for the ANC's struggle against Apartheid. South Africa and Nigeria were both claimants to hegemonic status in sub-Saharan Africa, the one pushing its somewhat inarticulate idea of an 'African Renaissance', and the other in the forefront of the CSSDCA. Both countries were to prove crucial to canvass support for an 'African Union' among several of the doubters, such as Botswana, Kenya and Uganda.¹⁸ The deadlocked negotiations led to a decision to order a small consultative group at ministerial level to produce a synthesis of the different ideas – the 'Sirte Declaration' subsequently adopted by the Assembly.

The influence of Qaddafi's typically grand vision and revolutionary rhetoric was unmistakable in the Declaration's language and provisions. For instance, it stipulated that 'an African Union' be established, the implementation of the AEC treaty speeded up and the organs of the AEC established forthwith, 'in particular, the Pan-African Parliament' which should be formed 'by the year 2000, to provide a common platform for our peoples and their grass-root organizations to be more involved in discussions and decision-making'.¹⁹ While reference to the Parliament was strictly made in the context of the AEC treaty, which drew part of its inspiration from the example of European integration, it also conformed to Qaddafi's long-established revolutionary lip service to popular, if not genuinely grass-roots', representation.²⁰

Yet the Sirte Declaration was also the outcome of the moderating influence of other member states, as it referred the Union's formation to the Council of Ministers, which should supervise the preparation of a legal text that took into account the OAU and AEC charters. Neither the Declaration nor the subsequent Constitutive Act establishing the AU made any provision for a supra-national structure. In the same vein as Kwame Nkrumah had more or less united African states in 1963 *against* his idea of 'Union Government', neutralising his proposals in the OAU Charter, so Qaddafi's grand vision was to be safely embedded in the inter-governmental arrangements of the Constitutive Act. But what should be noted here is that, from the very outset, the OAU's transformation into the African Union was closely linked to the establishment of a Pan-African Parliament. Its Protocol, which will be discussed in the next section, was to be drafted simultaneously with the AU's founding document. In a way this was a logical step, since if the African Union was to differ from its predecessor, it was by adding an institution that had

18 Maluwa (2002) and *Africa Research Bulletin* (Political, Social and Cultural Series) (1999): 13678.

19 Sirte Declaration, 8.ii.b.

20 The original Libyan proposal thus contained provision for an 'African Congress'. Also see Vandewalle (1995) and Bula-Bula (2002): 71-72.

been absent from the OAU, preferably one with the function to represent interests other than those of member governments.²¹

The politicking that ensued after the Sirte summit centred around various issues – notably the exact relationship between the AEC, OAU, AU, and around parliamentary provisions still contentious at the time. Nevertheless, these negotiations quite rapidly led to the adoption of both the Constitutive Act and the 'Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament'. The OAU's secretariat engaged a group of consultants to assist in the formulation of two draft texts; legal experts and parliamentarians convened twice, in Addis Ababa and in the Libyan capital Tripoli, in April-May 2000, to discuss the drafts; and a ministerial conference immediately following on the Tripoli meeting adopted a draft Constitutive Act, which was then adopted by the Council of Ministers and Assembly of Heads of State and Government that convened in Lomé in July. Adoption of the Protocol for the Pan-African Parliament had to wait until March 2001, when member states assembled in Sirte for a second time for the formal launching of the Union.²²

Although the process leading to the adoption of the Constitutive Act was very much an affair of governmental actors, several of its clauses have a direct or indirect bearing on the idea of parliamentary as well as non-governmental or popular representation in and outside the continental organisation. Thus, besides the Parliament itself, the African Union was to have an 'Economic, Social and Cultural Council' (ECOSOCC), to be composed of 'different social and professional groups' (art. 22.1). The AU's central objectives and principles contained important new political values, to which member states now explicitly committed themselves. The Act claimed, in its preamble, to be inspired by the 'need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector'. It stated a determination 'to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and ... ensure good governance and the rule of law'. Some of the substantive provisions listed, among the AU's objectives and principles, the promotion of and respect for democratic principles and institutions, human rights, the rule of law and good governance, social justice, gender equality and the sanctity of human life; the rejection of impunity and unconstitutional changes of governments; the Union's right, subject to Assembly approval, to intervene in mem-

21 In this vein Mathews (2001): 119.

22 See AHG/Decl.143 (XXXVI). Technically, the Constitutive Act entered into force in May 2001, after the deposit of the required number of ratifications. EX/CL/36 (III): Report of the Interim Chairperson of the Commission on the Status of AU Treaties, Maputo, 4-8 July 2003, 18. See for the inevitable politicking during this period Genge (2000): 3-6 and Maluwa (2002): 20-21.

ber states in case of war crimes, genocide and crimes against humanity; and the 'participation of the African peoples in the activities of the Union' (arts. 3-4). Only this last provision catered directly for the notion of popular involvement inside the Union itself, specified further in the sections devoted to the Parliament and the Economic, Social and Cultural Council. But the provisions on democratic government inside member states themselves could hardly be seen as distinct from this, as it is these that set the tone for the AU's commitment to the (in)direct representation of popular interests in Africa's governance.

The presence of the above political commitments was certainly a remarkable break with the OAU's past. Yet there seems to be no reason for unreserved optimism, neither from the perspective of the Constitutive Act nor on the grounds of subsequent political practice. For the Act's compromise character also led to the inclusion of time-honoured clauses on the defence of national sovereignty, the respect for colonial frontiers and the prohibition of interference 'by any Member State in the internal affairs of another' (art. 4) – without making clear how these provisions were to be balanced with the Union's commitment to democratic governance in member states and its stand on possible steps against deviant regimes. Moreover, the imposition of sanctions was stipulated as the preserve of the Assembly or the Peace and Security Council, which are made up of fellow heads of state or their subordinates.²³

Of course, the non-intervention principle figures in many international institutions and can in part be regarded as the basis of the limited degree of 'order' that obtains in international relations. Yet the (O)AU's unfavourable past in this respect gave cause for scepticism. Predictably, political practice was to prove more ambiguous than the statement of principle. The deviation from proper democratic procedure in Zimbabwe during the elections of 2000/2002, to mention only the more blatant example, at best triggered reticent responses from among member states, some of which appeared willing to come to the defence of a fellow member country under attack from the West.²⁴ Suffice it to say that this hardly augured well for the implementation of the Union's new norms and principles, while it underscored the compromise character of the AU's novel institutions. The hybrid nature of their origins, ranging from Libyan revolutionary rhetoric, the long-established predilection of African leaders for inter-governmental structures, through to an astonishing lip service to the discourse of

²³ Art. 23.2 Constitutive Act & art. 7.1. e & g Protocol Peace and Security Council.

²⁴ For astonishing AU responses, see *Africa Research Bulletin* (Political, Social and Cultural Series) (2002): 14758 and 14768.

European integration,²⁵ could, then, conceal an absence of firm commitment to a genuinely new continental set-up.

The parliament's protocol

The process of drafting a constitutive Protocol for the Parliament had to overcome numerous problems. What should be the actual functions and prerogatives of the parliamentarians vis-à-vis other organs of the Union, in particular the Executive Council and Assembly? Should they have, in this respect, supra-national powers? Should the Parliament be composed by direct elections in member states, like its European counterpart? Should representation be arranged on a national basis and, if so, how many persons should represent each country? Should the size of delegations be the same or differ according to population?²⁶

The Protocol declared that the Parliament's formation was informed by 'a vision to provide a common platform for African peoples and their grass-roots organizations to be more involved in discussions and decision-making on the problems and challenges facing the Continent' (preamble). Textually, this widened the Parliament's role beyond what was stipulated in the Constitutive Act, which reiterated the AEC treaty formulation that the Parliament should ensure popular participation in 'development and economic integration' (art. 17.1). This was confirmed by the Protocol's formal objectives, which provide for a much broader role: the facilitating of AU policies; the promotion of human rights, democracy, peace, stability, self-reliance and economic recovery; encouragement of good governance in member states; familiarising African peoples with the AU; facilitating co-operation between the parliamentary fora of regional economic communities; and the strengthening of continental solidarity (art. 3).

From this listing it becomes apparent, however, that the Parliament's objectives are deliberative and *external*, i.e. oriented outward. Its brief allows it to discuss the broad range of political, economic, social, military or others issues with which Africa is confronted, rather than to affect the internal-institutional functioning of the Union as such. For instance, article 2 of the Protocol stipulates that, while the Parliament shall ultimately evolve into an institution 'with full legislative powers', it will have 'consultative and advisory powers only' until decided otherwise by an amendment to the Protocol. This limitation reflected disagreement among member states about the Parliament's powers during the

25 This is obvious in the names of organs such as the 'Commission', the 'Court of Justice', and the Parliament itself, while the introduction of the completely novel 'Permanent Representatives Committee' (art. 21) is the clearest example of EU inspiration.

26 Genge (2000): 9-11.

drafting stage, and it is confirmed by article 11 of the Protocol, which states that the Parliament 'shall be vested with legislative powers to be defined by the Assembly', but that 'during the first term of its existence' its prerogatives will be in the area of advice and consultation. Consequently, the catalogue of its formal functions allows the Parliament to 'examine', 'discuss' or 'recommend' – of its own accord or at the request of AU policy organs – on matters that, '*inter alia*', relate to human rights, good governance and democracy. In addition, it is entitled to work towards harmonisation of member state legislation; contribute to the attainment of AU objectives; and promote AU policies and their harmonisation with that of regional organisations (art. 11).

These 'powers' are essentially external: they relate to what is happening in member states or outside bodies, not to the *internal* functioning of the Union and its organs. Arguably, what makes for a real parliament are control of the budget and supervision of the executive. Yet the Protocol's provisions carefully avoid conferment of such privileges. The Pan-African Parliament may adopt its own rules of procedure, establish the committees it deems fit, and elect its own chairperson. By contrast, it may only 'request' 'officials' of the Union to attend its sessions, 'discuss' its own budget and that of the Union as a whole and, rather surprisingly, only conclude its deliberations with 'decisions' taken by consensus or by a two-thirds majority of those present and voting (arts. 11.2, 5 & 8 and 12.13).²⁷ The above officials refer to the AU's secretariat staff, not to the heads of state or government ministers making up the policy-making Assembly and Executive Council. The fact that the Parliament must act on consensus or with substantial majorities may detract from its potential institutional authority and resolve, and may risk watering down its resolutions to the insipid ritual that obtained during the OAU era.

From the perspective of the present Protocol, any concrete supervisory role over other AU organs has therefore been ruled out. Moreover, although the Parliament will draw up its own budget requirements, these must be endorsed by the Assembly 'until such time as the Pan-African Parliament shall start to exercise legislative powers'. Its funds will be an integral part of the Union's 'regular' (but debt-ridden) budget (art. 15). This could act as a restraint on the Parliament's necessary institutional evolution, the more so as MPs must be paid an allowance to meet expenses in the discharge of their duties (art. 10). In compensation, the Protocol only allows the Parliament to appoint a 'Clerk, two Deputy Clerks and such other staff and functionaries as it may deem necessary for the proper discharge of its functions', subject to approval by Assembly and

²⁷ With the exception of procedural matters, for which simple majorities suffice. See art. 12.12 Protocol.

Council of the size of the support staff. The Union's Commission must render secretarial services to it on a provisional basis (arts. 11.8, 12.6 & 12.14).

The stature and potential authority of the Parliament are, of course, closely bound up with its composition. Here, too, compromises were made that reflected opposition from certain member states to the attribution of autonomous standing to an assembly representing interests beyond the confines of governmental circles. Thus, on the one hand the Protocol stipulates that the Parliamentarians 'shall represent all the peoples of Africa', rather than their respective countries of origin, with the proviso that, ultimately, they will be 'elected by universal adult suffrage' (arts. 2.2 & 2.3). This suggests the eventual possibility of direct elections along the lines of the European Parliament. In the meantime, however, article 5 specifies that the Parliamentarians shall 'be elected or designated by the respective National Parliaments or any other deliberative organs of the Member States, from among their members'. Moreover, their terms run concurrently with their terms in the respective national assemblies, which means that someone will cease to be a Pan-African MP if he or she ceases to be a member of the national parliament. Worse, a Pan-African Parliamentarian loses his/her position if 'recalled by the National Parliament or other deliberative organ' (arts. 5.3 & 5.4). Although the members of the European Parliament were initially also designated by their national assemblies, this transforms the Pan-African MPs into representatives of member state parliaments, notwithstanding the provision that they vote 'in their personal and independent capacity' (art. 6). This is confirmed by further provisions to the effect that it is member states that shall be represented in the Parliament and that national delegations, besides including at least one woman, shall reflect the diversity of opinions present in the assemblies of member states (art. 4).²⁸ Membership of the Pan-African Parliament was, however, declared incompatible with national executive or judicial functions, thereby preventing the Parliament's transformation into a purely governmental body (art. 7). Also, the MPs were awarded the parliamentary immunities necessary for the proper exercise of their function (arts. 8 & 9).

The choice for an indirect way of composing the Parliament's ranks was not only informed by governmental jealousies. It was, not unreasonably, felt by some that direct election of Pan-African Parliamentarians would pose an enormous administrative obstacle for countries that have just barely begun to learn how to manage electoral processes at the national level.²⁹ Another contentious issue was the question whether all member states should have the same number of delegates. Nigeria, especially, argued that the size of national delegations

²⁸ Election of the Parliament's 4 Vice-Presidents must reflect representation of Africa's different regions. Art. 12.2 Protocol.

²⁹ Genge (2000): 9.

should be determined or informed by the size of the national population.³⁰ Yet in the end it was decided that each member state would get an equal number of MPs, i.e. five – regardless of population (arts. 4.1 & 4.2). That Nigeria's demand was squarely rejected is typical of the political culture underlying Africa's continental politics, which has always rejected formal inequality between member states and aspirations to hegemonic status.³¹ In the context of the Pan-African Parliament this means, however, that some peoples are, indirectly, grossly under-represented whilst several others are seriously over-represented.³²

The Pan-African Parliament comes into being

The Protocol quickly received the required number of national ratifications. At the Durban summit in 2002, the Assembly established a Steering Committee to speed up the implementation process, for which a meeting of African parliaments was convened in Cape Town the next year.³³ In November 2003, the AU Commission registered the deposit of the instrument of ratification by Senegal, which realised the requisite simple majority of member states and, after one month, led to the entry into force of the Protocol.³⁴ In December, the Steering Committee, made up of the parliamentary speakers of ten countries chaired by South Africa, convened to discuss the modalities of the Parliament's launching, scheduled for January 2004 but postponed until March. National parliaments were requested to nominate the members to be part of the Pan-African Parliament before 10 February.³⁵ By mid February, 22 countries had done so and the Steering Committee issued rules for the oath of office to be administered, the Credentials Committee and the election of the President and Vice-Presidents, while adopting a provisional programme for the Parliament's first session and deciding on some logistical matters.³⁶

30 CM/Rpt (LXXIII) Report of the 73rd Ordinary Session of the Council of Ministers, Tripoli, 22-26 February 2001, 102-109 and Meyns (2001): 62.

31 Van Walraven (1999).

32 For an academic discussion of this, see Rule (2000).

33 Assembly/AU/Dec.17 (II).

34 Press Release No. 093/2003, Addis Ababa, 14 November 2003 and art. 22 Protocol. By February 2004 at least forty of the 53 member states had deposited instruments of ratification. See List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention on Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, dated ca. February-March 2004.

35 Communiqué on the Proceedings of the Steering Committee on the Protocol Relating to Pan-African Parliament, Addis Ababa, 9 December 2003.

36 *Ibid.*, 14 February 2003 and Press Release No. 10/2004, Addis Ababa, 14 February 2004.

On 18 March 2004, amid some pomp and circumstance, the chairman of the AU's Assembly, President Chissano of Mozambique, opened the Parliament's inaugural session in the presence of invited representatives of 'civil society', including youth, women and religious groups. As required by the Protocol, he supervised the election of the Parliament's four Vice-Presidents and President (art. 14.1). Amid some confusion about the proper procedure to be followed, MPs elected, with an overwhelming majority, Gertrude Mongela, a veteran woman politician and ambassador from Tanzania, as chairperson of the Parliament.³⁷ The four Vice-Presidents chosen reflected the other four continental regions, and a provisional total of 202 MPs from 41 member states were sworn in.³⁸ The occasion was marked by optimistic speaking, in which stress was laid on issues like the implementation of NEPAD and a potential role for the Parliament in the latter's peer review mechanism (see below). The press hoped that opposition parties would be given space in continental politics and be able to form alliances across Africa.³⁹

The Parliament is allowed by the Protocol to convene in ordinary session 'at least twice a year', in the territory of any member state party to the Protocol or at headquarters.⁴⁰ Although this stipulation suggests that it might convene additional ordinary sessions, this is probably not the case, as the Protocol provides specifically for extraordinary meetings. Such special sessions, which may only discuss the matters for which they are convened, may be requested by Parliamentarians, who, however, need for this the concurrence of two-thirds of the members.⁴¹ As this constitutes a rather high threshold and there are clear financial limitations to its summoning – especially in the form of travel expenses for up to 260 MPs⁴² –, the Parliament may not become a semi-permanent body that could respond swiftly to sudden developments. This should be set against

37 'African Union Puts Women First Once Again', www.allAfrica.com, 18 March 2004 (this and following sources accessed 22 March 2004).

38 Southern Africa: Professor José Dias Van-Du'Nem (Angola; 1st Vice-President); North Africa: Dr. Mohammed Lutfi Farahat (Libya; 2nd Vice-President); Central Africa: Mrs Ne'loumse Elise (Chad; 3rd Vice-President); West Africa: Jerome Sacca Kina Guezere (Benin; 4th Vice-President). 'BuaNews (Pretoria)', www.allAfrica.com, 19 March 2004 & Press Release No. 019/2004, Addis Ababa, 19 March 2004.

39 *Ibid.*, 18 March 2004 and *Business Day* (Johannesburg), www.allAfrica.com, 18 March 2004.

40 It may also convene joint sessions with national parliaments and the parliamentary assemblies of the continent's regional communities (arts. 16 & 18). Selection of its permanent seat was the Assembly's prerogative to be decided at its session in July 2004. After the withdrawal of Libya, South Africa remained as main contender to host the Parliament, though still challenged by Egypt. *Sunday Times* (Johannesburg), www.allAfrica.com, 21 March 2004.

41 It may also be convened by two-thirds of the members of the Council or Assembly. Art. 14.3 Protocol.

42 With 53 member states and five parliamentarians per country, the total size of the Parliament is 265.

the maximum length that it may remain in ordinary session, which is anything up to one month, allowing a broad exercise of its deliberative mandate (art. 14).

A parliament on probation

At its inception, the African Union's Commission proudly claimed that the Parliament would in future be elected by direct universal suffrage and evolve into an institution with full legislative powers that would even override national legislation. It was suggested that it would only act as a consultative body during the first five years, which the Commission claimed was an 'experimental period'.⁴³

Much of this, however, was based on an optimistic reading of the Parliament's Protocol and future. Firstly, whether or not member states will later agree on granting the Parliament 'full legislative powers', there is nothing to suggest that these would actually prevail over national legislation. While Africa's continental structures are definitely undergoing a process of modification, the current political context would require considerable evolution before such a reform would stand a chance of acceptance. Secondly, article 25 of the Protocol stipulates only that, after five years, a conference of signatory states will be held to review its operation and effectiveness, with a view to ensuring that its objectives are realised and the Protocol meets the 'evolving needs' of the African continent.⁴⁴ Although article 11 states that, during its first term (presumably of five years), the Parliament will exercise advisory powers only, this does not mean that the review conference scheduled for 2009 will *ipso facto* provide it with the legislative clout some people are craving for. This is legally possible, but not obligatory.⁴⁵ In other words, the Parliament has been subjected to an unlimited spell of probation. The same is true for the prospect of direct elections, for which legal provision at an unspecified date has been made, but which may in practice be confronted with a lack of political will or insurmountable obstacles of a financial or logistical nature.

Under its current dispensation, the Parliament's role and effectiveness are likely to be limited. However, in order to more precisely assess its potential impacts on African politics, one should distinguish between 1) the Parliament's

43 AU spokesman to the UN IRIN network (www.allAfrica.com, accessed 19 November 2003) and Press Release No. 093/2003, Addis Ababa, 14 November 2003.

44 Further review conferences may be held at ten years' intervals or less thereafter, if so decided by the Parliament (art. 25.2).

45 See in this respect also article 2.3 Protocol: 'until such time as the Member States decide otherwise ... [the] Pan-African Parliament shall have consultative and advisory powers only'.

influence on the institutions of the AU itself and their functioning; 2) its effects on AU policy-making; and 3) the Parliament's influence on the Union's member states and their behaviour.

1. The Parliament's influence on the overall functioning of the AU is constricted by its procedural provisions, its own as well as the Union's general budget constraints, and by its limited concrete powers vis-à-vis other organs. As noted above, the Parliament is only a semi-permanent organ that convenes twice a year – the likelihood of additional, extraordinary sessions sharply reduced by the cumbersome requirement of concurrence from two-thirds of its membership. Related travel expenses limit the Parliament's speedy summoning even further. Indeed, in the ongoing process of the Union's institutional transformation, complaints have already been aired about the tendency of member states to decide positively about the establishment of ever more new institutions, without pondering about the requisite financial means. As the Parliament is not allowed to raise funds itself, and as its budget is part of the Union's debt-ridden regular funding, this poses a definite financial constraint on the Parliament's institutional evolution. In practice, this would only leave the alternative of donor assistance, but it is difficult to imagine that donors would be prepared to contribute to the Union's core funding.

The development of a personnel base necessary to facilitate plenary sessions, Parliamentary committees and general functioning will therefore probably remain cumbersome. This leaves the Parliament in a disadvantaged position vis-à-vis the Union's only permanent organ, the Commission. Under the above circumstances the Commission, although itself usually suffering from budget and personnel constraints, is more likely to be better prepared and better able to respond to issues than the Parliament. The latter's inability to convene speedily also limits any potential monitoring of the Peace and Security Council, which plays a key role in the mediation of Africa's violent conflicts and is able to meet at short notice.

By contrast, the Parliament could strengthen its institutional position by collaborating with the Union's Economic, Social and Cultural Council, ECOSOCC, catered for in the Constitutive Act. As mentioned above, this council is to be composed of 'different social and professional groups', for the purpose of which the AU Commission has been engaging in consultations with 'civil society organisations' in order to draw up the organ's statutes. As an advisory organ focusing on social, economic and cultural issues, it is the Parliament's natural partner to reinforce the non-governmental – if not civil society's – dimension of

the Union.⁴⁶ More generally, however, the lack of tangible internal powers – including control of the Union’s budget – makes it difficult for the Parliament to impose its will on other organs. Thus, there is no obligation for members of the Commission to appear before Parliament, although in practice they have an institutional interest to promote its evolution and will, hence, be likely to respond positively to its invitations. Consequently, there are potentialities for fruitful collaboration with both ECOSOCC and the Commission.

2. However, this may not be so self-evident in the case of the most powerful institutions of the Union, the inter-governmental Assembly and Executive Council. Since these are the Union’s key policy-making organs, the Parliament’s influence on AU policy-making can only be indirect and will probably remain limited for the foreseeable future. Its broad deliberative powers form its most important tool. They could be used, under the cover of advice and consultation, to intervene in any internal Union matter – including the policies pursued and decisions taken by the Assembly and Council –, short of effecting decisions itself. The concrete utility of these deliberative prerogatives is limited by the Parliament’s obligation to ‘decide’ by consensus or by a two-thirds majority. Consequently, there is a danger that it might copy the interminable speaking of the Assembly and Council, without tangibly advancing the policy-making process. Much depends here on the diplomatic abilities of the Parliament’s Presidency. Its firm guidance is also required to prevent the zero-sum politicking known from the Parliament’s national counterparts, in addition to the actual realisation of the professed willingness by member states to listen to criticism and to engage in dialogue. In this context, the provision that Parliamentary proceedings will be open to the public⁴⁷ – and so, by extension, to the media – could have both positive and negative effects.

It should, lastly, not be forgotten that in any possible confrontation between Parliament and Assembly or Council, MPs’ legal position remains weak. Though equipped with parliamentary immunity, they sit as representatives of their respective national parliaments, can be recalled by them, and sit concurrently with these national bodies. By contrast, the President and Vice-Presidents, though their own terms also run concurrently with those of their respective national parliaments, are designated ‘Officers of the Pan-African Parliament’. Although not elucidated, this suggests some special status. Since they are responsible for the management and administration of parliamentary affairs

46 See Art. 22 Constitutive Act; EX/CL/Dec.21 (III); and Exp/Draft/ECOSOCC Statutes/Rev.2, 14 May 2003, esp. art. 3.6. Also see Meyns (2001): 62-63; Schoeman (2003): 13-14; and Sturman & Cilliers (2003).

47 Unless otherwise decided. Art. 14.4 Protocol.

and facilities, their *de facto* position may be more secure. Moreover, possible disputes over interpretation of the Protocol will not be settled by the Assembly, but by the Court of Justice to be established under the Constitutive Act.⁴⁸ This gives the Parliament some protection against interference from the Union's inter-governmental institutions.⁴⁹ However, it would probably be best for the Parliament to avoid any head-on collision with the inter-governmental organs, certainly as long as MPs are not directly elected and cannot thereby derive benefit from a firmer representative mandate, which would strengthen their position in relation to member governments.

3. It stands to reason that the nature of the Parliament's composition also has a bearing on its potential effect on the member states, and hence on its impacts beyond the structures of the Union itself. Generally, the quality and expertise of national parliamentarians indirectly come into play here. The fact that the national delegations sitting in the Pan-African Parliament must reflect the diversity of political opinions of their home assemblies is crucial, but it precludes any general assessment of the MPs' potential roles. Those who are members of government parties will be more likely to be supportive of member states' behaviour (as has been shown to be the case of the European Parliament), while MPs who at home sit on the opposition benches are more likely to criticise it. The unlikely event of direct elections could somewhat modify this distinction.

Here it should be noted that the Parliament's potential impact on member states could, more generally, be enhanced if it were to be involved in the implementation of the CSSDCA initiative or in NEPAD's action plans. A role for the Parliament in these processes is, however, not a foregone conclusion. Thus, in 2002 a special heads of state conference (and not the AU Assembly) endorsed a memorandum in which member states committed themselves to CSSDCA biennial review meetings at the level of government leaders, diplomats and senior officials, supported by visitation panels composed of eminent personalities. No role was foreseen for members of the Pan-African Parliament.⁵⁰ This contravened decisions taken earlier by the OAU Assembly, which in July 2000 resolved that the biennial review should make provision for the Pan-African MPs.⁵¹

48 The protocol for this court was adopted in 2003. Assembly/Dec.25 (II). As of 11 March 2004, 28 countries had signed, but none had ratified it. List of Countries Which Have Signed, Ratified/Acceeded to the African Union Convention on the Protocol of the African Court of Justice of the African Union.

49 However, pending the Court's creation, the Assembly shall settle such disputes by a two-thirds majority. Art. 20 Protocol.

50 Although the memorandum did cater for inputs by national parliamentarians and 'civil society'. Memorandum of Understanding on Security, Stability, Development and Cooperation Africa, 8-9 July, Durban, South Africa, ch. V.

51 AHG/Decl.4 (XXXVI), paragraph 15.

Things were complicated further by the introduction of the rival NEPAD programme, which also provided for review processes. While this is not the place to go into the NEPAD programme as a whole,⁵² suffice it to say that in 2002 the AU Assembly approved the NEPAD sectoral programme entitled 'Peace, Security, Democracy and Political Governance Initiative'. Its implementation was delegated to a committee of heads of state and government. The latter supervised the establishment of a voluntary 'African Peer Review Mechanism', which entails a peer review every three years. By February 2004 procedures for the NEPAD review mechanism had been agreed, and sixteen countries had signed up to it, with on-the-spot visits to take place a month later in Rwanda, Ghana, Kenya and Mauritius.⁵³

Since these review processes provide for similar measures, but work with different periods, there is some need for harmonisation in order to avoid unnecessary duplication. As the peer reviews under the NEPAD initiative seem actually to come off the ground, such rationalisation would be in the Parliament's interest, provided this included the role stipulated for the Parliament under the CSSDCA process. There might, in this respect, be possibilities for tactical alliances with certain member states and with the AU Commission. The two review initiatives have attracted varying degrees of support, with some member states providing solid backing, others being sceptical or hostile, and again others, like Nigeria and South Africa, regarding them to some extent as rival projects.⁵⁴ In this context, the Parliament could try and win support for itself, among others from the AU Commission. The Commission could be its natural institutional ally, as it was itself sidetracked, at least temporarily, in the implementation of the NEPAD programmes.⁵⁵

Yet, contrary to remarks made by the Commission,⁵⁶ a Parliamentary role in this process is not self-evident. Peer reviews are to a certain extent based on the concept of voluntary monitoring by colleagues – i.e. monitoring in the

52 See, for example, Olukoshi (2002); Hansen & Johanssen (2003); and Gelb (2001).

53 Assembly/AU/Decl.8; Solemn Declaration on a Common African Defence and Security Policy, Sirte, 28 February 2003, (NEPAD paragraph); 'NEPAD – Peer Review Mechanism', in *Mail and Guardian* (Johannesburg), 10 February 2004; and 'Peer Review Moving Forward, Says Nepad Secretariat Chief' (www.nepad.org/en.html, accessed 15 March 2004).

54 Schoeman (2003): 3; editorial in *African Security Review*, 11 (2002), 4: 1-3; and *Africa Research Bulletin* (Political, Social and Cultural Series) (2003): 15367.

55 These are serviced by separate institutions based in South Africa. Report of the Secretary-General on the Implementation of the CSSDCA, 28 June-6 July 2002, chs. II & V-VI; EX/CL/Dec.59 (III); and Assembly/AU/Decl.8. See also Adisa (2002).

56 AU spokesman to the UN IRIN network (www.allAfrica.com, accessed 19 November 2003).

inter- or post-governmental sphere⁵⁷ – and on the idea of gradually building up a new political culture through confidence-building and positive, non-adversarial exchanges. In such a process, the argumentative fashions of a parliamentary gathering could do more harm than good, especially in the delicate early stages. It will be difficult for the Parliament to gain a voice in this context, especially in NEPAD's 'Panel of Eminent Persons', since these are supposed to be independent and not meant to represent any organisation.⁵⁸ Much depends on the Parliament's ability to air criticism or conduct 'opposition' in a way that would differ from some of the practices of multi-party politics known from African states.

Yet, in order for the above review processes to contribute to Africa's changing continental order, political leaders must be prepared to face criticism, especially from outside government circles. Times are changing, to some extent to the advantage of institutions like the Pan-African Parliament. Thus, in 2002 the AU adopted a 'Declaration on the Principles Governing Democratic Elections in Africa', which has been elaborated further in a draft 'African Charter on Elections, Democracy and Governance'.⁵⁹ Like other AU declarations, treaties and documents, it strongly emphasises the need for and pledges commitment to a democratic culture in Africa's states, which, by logical extension or in the long run, could also be argued to be applicable inside the African Union. The Pan-African Parliament could reinforce its potential impact on member states, finally, by collaborating – as it is allowed to do⁶⁰ – with parliamentary organs of Africa's regional economic groupings, such as the SADC Parliamentary Forum.

Concluding observations

The road ahead for the Pan-African Parliament will be long, but not without opportunities. Its different potential impacts will, however, not be more than marginal, certainly as long as it is not elected directly. Whether or not the Parliament will be given a new boost at the end of its first term, will largely depend on how it exploits its limited opportunities and navigates the waters of shifting continental politics. Even if some African governments now have a new stake in democratic political culture,⁶¹ doubts remain whether a decade of formal political

57 For a discussion of NEPAD's peer review process and non-governmental actors, see Gelb (2001): 37.

58 United Nations Economic Commission for Africa 2002. At present this panel mainly comprises academics. *Vanguard* (Lagos), 12 March 2004 (accessed through www.allAfrica.com, 15 March 2004).

59 Version 1.1 (February 2003). Also see Doc.EX/CL/35 (III) and Assembly/AU/Dec.18 (II).

60 Genge (2000): 10. See art. 18 Protocol. SADC stands for 'Southern African Development Community'.

61 One could think here of countries like Ghana, Kenya, and Senegal.

pluralism has made this true for all, or even the majority of, governments. In this context, more member states might wish to modify their political calculations if the Parliament were to be elected directly.

In terms of social interests, however, a natural opposition between the Parliament and the AU's inter-governmental organs is much less obvious. Critics have pointed out that the whole process of introducing the African Union and its Parliament was very much a 'top down' affair, in which governmental interests were firmly in the driver's seat.⁶² Members of Africa's national assemblies – and by extension of the Pan-African Parliament – are themselves part of societal elites. In the case of national parliamentarians, who depend financially on the state's coffers, one may even question whether they themselves are not essentially part of étatiste interests. While in terms of social status African MPs do not fundamentally differ from their counterparts in the West, social distances in Africa are significantly larger. This makes it harder to link genuinely grass-roots interests to elite representatives operating at the level of the central state.

This is even more relevant in the case of parliamentarians agitating at the continental apex. With corruption rampant at national levels and lacking concrete powers, the Parliament's daily operations could open the way to the milking of expense allowances that, in national settings, would be considered desirable perks. In partly copying European Union practice, it could risk falling into the same pitfalls that earned the European Parliament its unsavoury reputation (in its case even 25 years after its first direct elections). Alternatively, if, like its European counterpart, the Pan-African Parliament could fulfil the unspecified function of safety net for marginalised politicians, it could help improve the quality of political life in member states – albeit incongruously. As in the case of other continental institutions, in the end its future depends on the state of Africa's national political orders.

Bibliography

- Adisa, J. (2002): Making the Mechanism Work: A view from the African Union. *African Security Review*, 11 (2002) 4: 111-114
- Bula-Bula, S. (2002): Les fondements de l'Union Africaine. *African Yearbook of International Law*, 9 (2002): 39-74

62 Maluwa (2002): 36-37; Gelb (2001): 37; and Genge (2000): 12.

- Edimo, J.E. (1997): Le rôle des Etats membres de l'OUA et le défi du nouveau mécanisme sur la prévention, la gestion et le règlement des conflits. *Afrique* 2000, 27/29 (1997): 89-102
- Editorial. (2002): The Nepad African Peer Review Mechanism: Prospects and Challenges. *African Security Review*, 11 (2002) 4: 1-3
- Gelb, S. (2001): Die neue Partnerschaft für Afrikas Entwicklung (NEPAD): Kollektives Handeln, Engagement und Glaubwürdigkeit. *Afrika-Jahrbuch* (2001): 26-39
- Genge, M. (2000): Formation of the African Union, African Economic Community and the Pan-African Parliament, in: M. Genge, F. Kornegay & S. Rule (eds.), *African Union and a Pan-African Parliament: Working Papers*. Pretoria, Africa Institute of South Africa: 1-18
- Hansen, H.B. & Johanssen, M.B. (2003): The Challenge of the New Partnership for Africa's Development: NEPAD. Copenhagen, Centre of African Studies
- Kornegay, F. (2000): Towards a Pan-African Parliament: Possible Scenarios and Options, in: M. Genge, F. Kornegay & S. Rule (eds.), *African Union and a Pan-African Parliament: Working Papers*. Pretoria, Africa Institute of South Africa: 19-29
- Maluwa, T. (2002): Reimagining African Unity: Some Preliminary Reflections on the Constitutive Act of the African Union. *African Yearbook of International Law*, 9 (2002): 3-38
- Mathews, K. (2001): Birth of the African Union (AU). *Africa Quarterly*, 41 (2001), 1-2: 113-120
- Matthies, V. (1996): Die friedenspolitische Rolle der Organisation der Afrikanischen Einheit: Der OAU-'Mechanismus für die Prävention, das Management und die Lösung von Konflikten'. *Afrika Jahrbuch* (1996): 49-62
- Meyns, P. (2001): Die "Afrikanische Union"- Afrikas neuer Anlauf zu kontinentaler Einheit und globaler Anerkennung. *Afrika-Jahrbuch* (2001): 51-67
- Olukoshi, A.O. (2002): Governing the African Developmental Process: The Challenge of the New Partnership for Africa's Development (NEPAD). Occasional Paper, Copenhagen, Centre of African Studies
- Rule, S.P. (2000): Options for the Composition of a Pan-African Parliament, in: M. Genge, F. Kornegay & S. Rule (eds.), *African Union and a Pan-African Parliament: Working Papers*. Pretoria, Africa Institute of South Africa: 30-37
- Schoeman, M. (2003): The African Union After the Durban 2002 Summit. Occasional Paper, Copenhagen, Centre of African Studies
- Sturman, K. & Cilliers, J. (2003): ECOSOCC: Bringing People's Power to the African Union? *African Security Review*, 12 (2003) 1 (no pages; accesses through the internet)
- United Nations Economic Commission for Africa (2002): The African Peer Review Mechanism: Process and Procedures. *African Security Review*, 11 (2002) 4: 7-13
- Vandewalle, D. (ed.) (1995). Qadhafi's Libya, 1969-1994. New York, St Martin's Press

- Van Walraven, K. (1999). *Dreams of Power: The Role of the Organization of African Unity in the Politics of Africa, 1963-1993*. Aldershot, Ashgate
- Wembou, M.C.D. (1994): A propos du nouveau mécanisme de l'OUA sur les conflits. *Afrique 2000*, 16 (1994): 5-20

Zusammenfassung

Der Artikel untersucht die Bedeutung des vor kurzem errichteten „Panafrikanischen Parlaments“. Das Parlament ist eine der wenigen wirklichen Neuerungen der „Afrikanischen Union/African Union“ (AU) – ihrerseits eine Nachfolge-Organisation der „Organisation afrikanischer Einheit/Organisation of African Unity“ (OAU) -, und als solche könnte es den institutionellen Veränderungen, welche sich in der Kontinentalpolitik vollzogen haben, eine entschiedenere Bedeutung verleihen. Der Artikel skizziert die Vorgeschichte von Ansätzen zu parlamentarischer Vertretung im Rahmen der (O)AU, stellt dann den Gründungsverlauf der Afrikanischen Union/African Union dar und setzt diesen in Bezug zu der Vorstellung einer parlamentarischen Versammlung. Es folgt eine eingehende Erläuterung des parlamentarischen Protokolls und der Organe und Befugnisse, mit denen das Parlament ausgestattet ist sowie seiner amtlichen Beziehungen zu anderen Körperschaften der Union. Die amtliche Eröffnung des Parlaments im März 2004 wird dargestellt, gefolgt von einer Prognose seiner Auswirkungen auf die Einrichtungen der AU; auf die politische Willensbildung innerhalb der AU; als auch auf die Mitgliedstaaten der AU. Anschließend wird erörtert, welche Rolle das Parlament eventuell in den Überprüfungsverfahren von CSSDCA und NEPAD spielen könnte. Der Artikel kommt zu dem Schluss, dass das Parlament bis auf weiteres von eher untergeordneter Bedeutung sein wird.

Schlüsselwörter

Afrikanische Union, Parlament, Parlamentarische Funktionen, Parlamentsstruktur, Internationale staatliche Organisation, Reform

Résumé

L'article analyse l'importance du « Parlement panafricain » récemment mis en place. Celui-ci est l'une des rares vraies nouveautés de l'« Union Africaine » (UA), l'organisation succédant à l'« Organisation de l'Unité Africaine » (OUA). En tant que tel, il pourrait conférer une importance plus décisive aux changements institutionnels qui ont été effectués dans la politique continentale. Cet article retrace l'histoire des prémisses d'une représentation parlementaire dans le cadre de l'OUA et de l'UA, décrit le processus de création de l'UA et le met en relation avec la notion d'assemblée parlementaire. Puis s'en suit une explication détaillée du protocole parlementaire, des organes et compétences du Parlement et de ses relations officielles avec les autres organes de l'UA. L'article analyse par la suite l'ouverture officielle du Parlement en mars 2004 et avance un pronostic de son impact sur les structures de l'UA, sur la formation d'une volonté politique au sein de l'UA ainsi que sur les Etats membres de l'UA. Enfin, l'auteur examine le rôle que le Parlement pourrait éventuellement jouer dans le processus de contrôle du CSSDCA et du NEPAD. L'auteur arrive à la conclusion que, jusqu'à nouvel ordre, le Parlement aura une importance plutôt secondaire.

Mots clés

L'union africaine, parlement, fonctions du parlement, structure du parlement, prganisation gouvernemental internationale, réforme

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