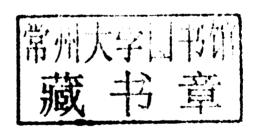Ogochukwu Nzewi

The role of the Pan African Parliament in African regionalism:

Institutional perspectives and lessons for Africa

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Abbreviations

Abuja Treaty: The treaty establishing the African Economic Community

AEC : African Economic Community

AMF: African Monetary Fund of the African Union

AMU: Arab Maghreb Union

APEC Asia –Pacific Economic Co-operation

APRM: Africa Peer Review Mechanism

ASEAN: Association of Southeast Asian Nations

AU African Union

AUC: African Union Commission/The Commission

CENSAD: Economic Community of Sahelo-Saharian States

CIDO: African Citizens Directorate

COMESA: Common Market of East and Southern Africa

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

DFID: Department for International Development (UK)

EAC: East African Community

EC: Executive Council of the African Union

ECCAS: Economic Community of Central African States

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

ECOWAS: Economic Community of West African States

EP : European Parliament

EU: European Union

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

IMF: International Monetary Fund

ISS: Institute for Security Studies (South Africa)

MP: Members of Parliament

NAFTA: North American Free Trade Area

NEPAD: The New Partnership for Africa's Development

OAU: Organisation of African Unity

PAP: Pan African Parliament

PCMFA: Permanent Committee on Monetary and Financial Affairs

PRC: Permanent Representatives Committee of the African Union

PSC: Peace and Security Council of the African Union

PULP: Pretoria University Law Press

QMV: Qualified Majority Vote

RECs: Regional Economic Communities

RPA: Regional Parliamentary Assembly

SADC: Southern African Development Community

STC: Specialised Technical Committee of the African Union

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

UN: The United Nations

UNECA: United Nations Economic Commission for Africa

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

Outline of key terms

1ˢᵗ parliament: The PAP was established in 2004 and has a term of 5 years. Its first term ended in 2009. Large portion of information from this study is taken from the 1ˢᵗ parliament period.

2ⁿᵈ parliament: The PAP second term began in October 2009 and this is known as the 2ⁿᵈ parliament or legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

Abstract

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

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

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

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

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CHAPTER ONE

General Introduction

This is a study bordering on virgin territorial research. It is a study on African integration institutions as drivers of regional integration in Africa. It is a study on how and why institutions stagnate or, alternatively, grow to develop a life of their own despite the odds against them. Recent reforms in the African Union (AU) have seen regional integration institutions such as the Pan African Parliament emerging. In the light of such developments, it seems the AU may be transforming from a loose political organisation into a structured and effectively managed regional entity. This state of affairs makes for an interesting focus of study.

Public Administration is an applied social science. The development of theories in Public Administration is mostly hinged to observable trends. In the same vein, the development of theories in International Administration and International Political Economic studies are roped to the methodical study of international organisations and trends.

One of the expediencies of research is in its ability to attempt generalisations as basis for future research (Wellington, Bathmaker, Hunt, McCulloch & Sikes, 2005:57). Due to the short time span spent so far on the Pan African Parliament's institutional building process and the dearth of PAP relevant studies, it is relevant to consider some of the theories that have developed over time through observing and explaining the development of European regional integration institutions. Hitherto, many studies on the phenomena of regionalism have centred on those grand and middle-range theories of regional integration drawn from the phenomena of regional integration in the European Union (Bulmer, 1998; Caporaso, 1972; Hall & Taylor, 1996; Haas, 1961; 1970; Kato, 1996; Moravcsik, 1993; Pierson, 1996; 2000; Puchala, 1999; Schmitter, 1969; Tsebelis, 1994). Theories of regional integration, like middle-range theory of neo-institutionalism, and grand theories like neo-functionalism and inter-governmentalism, provide some theoretical foundation in studying the nature, the process and outcome of regionalism trends. These three theoretical approaches dominate regional integration discourse. Neo-functionalists attempted to predict the end point of integration where regional integration is seen as a slow, discreet decision-making process from non-political issues to the political, resulting in a brand new polity. Intergovernmentalists argue that regional integration is spurred by nation states, while institutionalists try to explain how regional institutions acquire supranational status and thus drive regional integration.

An institutional approach to regionalism and integration studies will try to show how institutions are viewed within intergovernmentalist and neo-functionalist discourses. By so doing, it will shed some light on the roles that institutions play in the overall process of regionalism. Additionally, it will highlight the sovereignty versus supranationality debate in integration studies, but, more than this, irrespective of which theoretical school, it will anchor discourse on the origin and growth of regional institutions (in Africans' integration). Institutionalism studies therefore have a significant role to play, both in the overall nature and in the process of regionalism in this study.

Based on the above, taking an institutional approach to the study of the Pan African Parliament and regionalism in Africa entails that successes and challenges of regionalism be interrogated from the angle of institutionalism. Studies on institutions comprise a deluge of functionalist studies (Pierson, 2000:476). Functional concerns dictate that an institution's existence can be linked to the function it serves. Thus some studies on institutional origin and growth focus on rationality in group decision making, as well as on how institutions play a role in individual rational choice (Shepsle & Weingast, 1987; Hall, 1987; Smith, 2004 & Tsebelis & Garret, 2001). The issue is that, while institutions play a role in guiding the choices of actors and producing unique strategies for actors (Tsebelis & Garret, 2001:70), these choices can in turn be manifested in the nature of institutional arrangements in emerging organisations. Although this rational choice view has been challenged in more phenomenological writings by authors like Miller (2000) and Pierson (2000), in considering embryonic institutions where it may not be feasible to determine institutionally driven outcomes, non-rational angles may pose a challenge. Nevertheless, it is offered that, in deliberating the function of such a nascent institution such as PAP, a suggestion on the origin of PAP needs to be explored. This can be achieved by studying how the institution of governance and leadership in Africa has shaped the intentions of the designers of the Pan African Parliament. Furthermore it is argued that determining origins will also uncover certain functional purposes of African integration institutions, which, in turn, may suffice in providing reasonable expectations about outcomes in the integration debate.

From the foregoing, this study focuses on African regionalism, reflecting grand and middle-range theoretical standpoints in the role of regional institutions. The central issue in this thesis is the extent of the influence of the Pan African Parliament in the African Union and regionalism. However, to answer that question, the question of "why PAP in African regionalism?" has to be answered. Thus, the thesis interrogates the definitive role of the Pan African Parliament, an organ of

the African Union, from an institutionalist standpoint (middle range) in relation to its design and designers (origin). In particular, this study begins the argument from a premise of rational choice, which says that designers of institutions are purposeful actors.

This chapter delves into the basis for the study. It does so by first making a case for the motivation behind the study and the objective of the study. A brief historiography of the African regional integration movement by way of African Pan Africanism is juxtaposed with the movement of Europe towards integration. This is necessary, considering that this is a study to investigate regional integration theoretical formations, which are largely based on the European Union experience. Thus by providing a basis for the analytic framework, this chapter outlines possible value intended from the study, based on its significance and the nature of the research process.

1.1 Background

In order to better understand development, delivery processes and outcomes within African States, it is relevant for students of Public Administration to investigate the role of the African Union. The idea of African unity emerged as a project for African leadership and development policy discourse after the mid 20th century. Undoubtedly, a noticed commitment to African unity by African leaders has existed from the early stirrings of independence (Nkrumah, 1965; Mazrui & Tidy, 1984; Ajala, 1973). Mistry (2000:556–561) models the history of regionalism in Africa in two phases. The first-generation integration arrangements, like the 1910 South African Customs Union (Henderson, 1985: 225), were derived from past colonial regional legacies and were explained in the old order economic development theories, in particular protectionism, dependency and external influence (Amsden, 2003; Velasco, 2003; Uchendu, 1980; Owusu, 2003). The second-generation integration arrangement from the 1970s to the 1990s relied heavily on sub-regional formations as a route to continental and then global regionalism (Geda & Kibret, 2007; Mazzeo, 1984). Context-based and historical exigencies such as these, then, pose a challenge for comparative research on regional integration in developing countries.

Regionalism studies in Africa have tended towards market economy issues and trends (Asante, 2001; Deng, 1998; Gruhn, 1979; Lee, 2003; Onwuka & Sesay, 1985; Te Velde, 2006). Whereas there have been studies in recent times on the key institutional developments in the AU, like the New Partnership for Africa's Development (NEPAD) (De Waal, 2002; Gottschalk & Schmidt,

2004) and the African Peer Review Mechanism (APRM) (Cilliers, 2002; Kanbur, 2004), there is also need to focus on institutional attributes as against the policy characteristics of regionalism trends. In this case, the origin, growth and impact of AU institutions in regional policy development and outcomes become the centre of study focus. Thus, while considerations in research are made for economic, policy and even sociological approaches to the study of regionalism, institutionally based studies are also important. As a result, the role of the Pan African Parliament in the regionalism process should be seen as a relevant area of study. Nonetheless, it must be noted at this stage that, for these very reasons, this will not be a study devoid of challenges.

Institutionalism can be seen as the impact of structure on policy, and the relationship between the constitutional and legal arrangements between spheres of government and policy. The study of institutions and regional integrative institutions, in particular as causal centres of policy and political analysis, is still a growing area of study. In international application, the European Union structure shows that the role of institutions is crucial, as there cannot be a discussion of the European policy process without a discussion of the institutional interactions. This involves the institutional dynamics and the political relationships within these institutions. Wallace and Wallace (1996:26), attempted to tie institutional development, reinforcement and indeed arrangements as consequential constraints and facilitators to collective policy agreement. They also suggested that some policy agreements required some institutional changes. This is an important point of departure in that it takes a broad and detailed focus on European Union structures and how they affect the nature, interaction and effectiveness of policies.

However, there seems to be a dearth of scholarship in terms of region relevant and specific theories that attempt to explain African institutional regionalism. Thus, in an attempt to understand the nature and effect of African regional institutions on regionalism in Africa, there is a need to understand the nature of public institutions at a micro level, and their importance as variables within the discipline of Public Administration. While the thesis investigates the functional role of the Pan African Parliament and effects of this role on the AU system, it also, at the macro level, examines the overall nature of regional integration in Africa and the emergence of PAP.

1.2 Motivation for the study

The recent re-invention of the African Union has resulted in a more structured entity with new programmes for socio-economic recovery and democratic reform among states. The New Partnership for African Development (NEPAD) and the African Peer Review Mechanism (APRM), for example, are seen as some of the better AU examples of change towards good governance and African economic recovery (NEPAD[1], 2002;2003).

In recent years, more African countries have been adopting democratic governments. Although faced with numerous problems, it seems that, with the growing prospect of political stability in Africa, the inevitability of strong regional economic growth becomes more apparent. The rapid transformation of the African Union has resulted in some ambitious objectives and programmes supported by treaties which act more like macro policy frameworks. However, it is imperative that, along with the enthusiasm that goes with the programmes of action, there are frameworks (legislative and institutional) which give support to programmes to see them to the envisioned outcomes.

In this case the issue of legitimacy is paramount. For instance, while NEPAD has targeted policy on different sectoral priorities such as agriculture, infrastructure and environmental initiatives, the precondition for development, which includes the declaration on good corporate governance, the African Peer Review Mechanism (APRM) and the framework for the implementation of banking and financial standards (NEPAD, 2002:1), are seen as vital. This can be construed as priority issues which may be integral to a successful implementation of the sectoral priorities. The legitimisation of NEPAD policies, however, is presently constrained, as there is no legal backing in terms of the harmonisation and legitimisation of these policies. With the recent institution of the Pan African Parliament, though, the process of legitimisation and harmonisation of continental policies is expected to be realisable. Thus, the role that the Pan African Parliament is supposed to play in the legitimisation and harmonisation of continental policies was germane to the purpose of the study.

Next, with Africa's plethora of challenges, the issue of institutional building seems relevant. This is especially crucial with the integral role that varying interests play within the continental landscape. Moreover, the interaction between power, interest and institutions, especially in international

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[1] See reference: New Partnership for Africa's Development