



Africa Study Group | Groupe de réflexion sur l'Afrique

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The Africa Study Group Presents : “The African Union Today: Policy Options for Canada”

DATE: Thursday, January 28th, 2016

TIME: 17:30 pm - 19:30 pm

LOCATION: St. Paul's university, Guigues Hall, 223 Main street, Room 120

In Attendance : 26

Chair : Louise Ouimet

Introductory items

La présidente du GRA Louise Ouimet a ouvert la réunion sur une note de tristesse en évoquant le meurtre barbare des six bénévoles canadiens de la région de Québec qui étaient parmi la trentaine de victimes tuées à Ouagadougou lors de l'attentat djihadiste du 15 janvier dernier.

Aubrey Morantz commemorated the lifelong dedication of Tony Halliday, a former Chair of the ASG, to Africa's emergence as a full-fledged economic and political partner on the world stage, and to the promotion of Africa-Canada cooperation. Just before he passed away on January 4, 2016, Tony left as his legacy a proposal that the ASG pursue work already begun on developing a new Canadian vision or policy approach to Africa.

Several new participants at ASG meetings introduced themselves.

Main presentation

Dr. Thomas Tieku, Western University, “The African Union Today: Policy Options for Canada”

Dr. Tieku described the African Union (AU) as having three separate facets:

1. the intergovernmental AU of 54 African governments represented by Presidents and Ambassadors to the AU, the latter playing the most important role;

2. the supranational AU of some 1400 international bureaucrats making up the Commission, which is the AU secretariat; and
3. the AU of people, both insiders and outsiders, consisting of NGOs, regional economic communities, think tanks and donor-funded organizations loosely affiliated with the Commission. Dr. Tiekou described how the 'AU of people' consisting of NGOs, professional associations and advocacy groups have used the AU's founding principles to shift the deeply conservative AU governance structure in a more progressive direction.

According to Dr. Tiekou, the AU took on a new identity and mandate in 2002 to distinguish it from the original 1963 Organization of African Unity, because of the perceived failure of the OAU to tackle Africa's real problems of disunity, conflict, poverty and underdevelopment. The credo of the sclerotic OAU 'old boys' club' was non-interference in the sovereign affairs of member states. The rationale for creating the AU was to put in place a more effective organization endowed with real powers (including the right of intervention in exceptional circumstances), to promote peace, economic integration and development.

As spelled out in its Constitutive Act, which entered into force in 2002, the revamped Assembly of heads of state and government, the AU's supreme organ, meets in regular 'summit' sessions twice a year, and is underpinned by an Executive Council of foreign ministers also meeting twice a year to prepare the summit meetings. Both are serviced by the Committee of Permanent Representatives at ambassadorial level which meets at least once a month at AU Headquarters in Addis Ababa and does most of the preparatory work.

The AU Commission (AUC) currently numbers about 1400 international civil servants and is organized into eight departments and a cross-cutting Women, Gender and Development Directorate, each headed by a commissioner. Commissioners are elected by governments after much horse trading on the basis of equitable regional representation. They report to an elected Chairperson, who is since 2012 Mrs. Nkosazana Dlamini-Zuma of South Africa. A Deputy Chairperson, elected separately, coordinates the ancillary organizations.

The work of the AUC is organized on the basis of major programs (political affairs, trade and industry, rural economy and agriculture, etc.), of which arguably the most important and the best structured is peace and security, which has its own standing Peace and Security Council (PSC) of fifteen member countries elected for two or three year terms on a rotational basis.

In addition to the PSC, the AU established from the outset a set of institutions to give it a robust capacity for preventing, managing and resolving conflict collectively known as the African Peace and Security Architecture (APSA). Its constituent parts are the AUC (particularly its Peace and Security Department), a Panel of the Wise, a Continental Early Warning System, an African Standby Force (not yet operational), and a Special Fund.

Still in its formative stage, the APSA has been in Dr. Tiekou's view a moderate success in giving the AU some confidence that it is capable of promoting peace on the continent. Thus rather than waiting for the UN to act, the fledgling AU took the lead in 2003 in negotiating a ceasefire in the civil war in Burundi, and also in 2003 with western support pioneered a peacekeeping force, the African Union Mission in Sudan (AMIS) to damp down the atrocities being committed by the Janjaweed in Darfur. Since then, the AU has played an increasingly assertive mediating and peacekeeping role in many other hotspots: Somalia, Niger, Mali, Burkina Faso, Burundi (bis), South Sudan, to name only a few. The AU decision to send a peacekeeping force in Burundi, on the agenda of the AU Summit to start on January 30, will be interesting.

The AU has also pioneered the African Governance Architecture, a framework to achieve democratic governance and to enhance respect for human rights and the rule of law. Thus building on Articles 3 and 4 of the Constitutive Act, which emphasize the significance of good governance, popular participation, the rule of law and human rights, the AU Summit in 2007 adopted a 53 article African Charter on Democracy, Elections and Governance. It spells out in detail the obligations of governments inter alia to eliminate all forms of discrimination, entrench the supremacy of the national constitution, protect the right of equality before the law, regularly hold transparent free and fair elections, ensure fair and equitable access to state-controlled media during elections; and establish independent and impartial electoral commissions. However, it has not been possible to include an article that would ban changes to constitution in relation to the maximum number of presidential mandates.

The AUC is given the authority to conduct independent and impartial electoral observer missions and to penalize illegal means of accessing or maintaining power such as a putsch or coup d'état, refusal by an incumbent government to relinquish power to the winning party or candidate, or any amendment to the constitution which is an infringement on the principle of democratic change. The PSC is further authorized in the event of an unconstitutional change to suspend the offending government, and the Assembly may decide to apply other forms of sanctions including punitive economic measures.

A third principal area of AU programming is the African Human Rights System, including an African Court (in Arusha) and an African Commission (in Banjul) on Human and Peoples' Rights, charged with interpreting and applying regional human rights instruments. These include the African Charter on human and peoples' rights, an African Charter on the rights and welfare of the child, the [New Partnership for Africa's Development](#) (NEPAD) and a Protocol to the African Charter to mainstream gender throughout the AU in line with the principle enshrined in Article 4 of the Constitutive Act. Dr. Tiekou observed that though the AUC has achieved gender parity at the level of Commissioners, this was something of a Potemkin village: at working levels the proportion of women drops off sharply, except at the lowest support level where women preponderate. Nevertheless full equality has been proclaimed as an objective by the end of the African Women's Decade (2010-2020). While still a work in progress, Dr. Tiekou observed that whereas throughout the 40 year span of the OAU no single woman rose

to the level of Commissioner, since 2012 the AU Chairperson herself is a woman.

In sum, the AU has equipped itself with most of the conceptual and institutional tools needed to be a modern democratic international organization. The aspirations of the democratizers cannot be easily dismissed because they use the same common vocabulary written into the AU's fundamental texts as the old guard leaders are forced to use to justify their hold on power -- rather than regressive or obfuscating terminology such as ethnicity or tribal affiliation or jamahiriya. Moreover, the young people going through the educational systems in most African countries are being imbued with the same democratic principles. Dr. Tiekou expressed confidence that as a young organization the AU is capable of further evolution in line with popular aspirations, whereas that would be more difficult in mature organizations.

As for policy options for Canada with regard to the AU, Dr. Tiekou observed that there is plenty of opportunity for Canadian initiatives to strengthen AU mechanisms throughout the system. Canada had previously been active on gender issues in Africa, and the task of translating principles into institutions and practice had barely begun. At the grassroots level, it will be important to strengthen local women's groups. Canada could also work with the AUC Department of political affairs to establish benchmarks and reporting mechanisms to measure the performance of leaders. Dr. Tiekou also encourages Canada to work with the political affairs group to come-up with benchmarks and indicators on governance and democracy. He also urges Canada to promote peace education at the elementary school level.

Question Period

Asked about the future of the African Peer Review Mechanism (APRM), Dr. Tiekou said that it was on 'life support' not only because African leaders did not take kindly to criticism, but also because South Africa decided to 'own' the APRM by moving it to Pretoria, thus disaffecting its regional rival, Nigeria. Both South Africa and Nigeria are also jockeying for a putative African permanent seat on the UN Security Council.

Dr. Tiekou also acknowledged that there were historic tensions in the AU between anglophone and francophone countries, which played out strongly in electoral politics such as francophone opposition to the candidature of Mme. Ndlamini-Zuma of South Africa to chair the AUC.

Replying to questions on why Africa should matter to Canada, Dr. Tiekou replied that there were important Canadian business interests in Africa particularly in the mining sector, as well as opportunities for sale of industrial goods. Canada's big engineering and consulting companies were competitive in many multilaterally funded infrastructure projects in Africa, an emerging region of expansive growth. The diaspora connection was also an important factor for Canada because of significant recent immigration of African origin. Moreover, for a middle power such as Canada, the vote-rich African region is important for pursuing Canada's multilateral objectives. Multilateralism is an important tool for Canadian diplomacy and aid, and Canada can have greater impact at lower cost through the AU than through the lumbering and high overhead UN system.

A question was raised about 'Africa 2063', an ambitious agenda to mark the centenary of the founding OAU, which Tiekou considered too grandiose. There were also questions about the AU position on African leaders charged by international tribunals or by special courts with war crimes or crimes against humanity, such as former Chadian dictator Hissène Habré, former Liberian president Charles Taylor, and Sudanese president Omar al-Bashir. Dr. Tiekou opined that for sitting African presidents such as Bashir, the principle of universal jurisdiction will not work, and is counter-productive. He said Bashir will seek to remain president of Sudan in perpetuity because if he resigns, he could end up in prison like Charles Taylor. Other African heads of state will also not want to sign on, fearing that a similar fate could await them when they step down or lose office.