UNIVERSITY OF NAIROBI

CONTINUITY AND CHANGE IN THE OAU/AU;
A CRITICAL ASSESMENT OF THE AFRICAN UNION AS AN
INSTRUMENT FOR DEMOCRATIC GOVERNANCE IN AFRICA.

BY

FREDRICK ROGERS MAKANGA BOGERE. LLB,
(MAKERERE UNIVERSITY)
SUPERVISOR – DR. C.O. HITENG
NOVEMBER 2004

A PROJECT PAPER PRESENTED TO THE INSTITUTE OF
DIPLOMACY AND INTERNATIONAL STUDIES, UNIVERSITY
OF NAIROBI IN PARTIAL FULLFILLMENT OF THE DEGREE
OF MASTER OF ARTS (M.A.) IN INTERNATIONAL STUDIES.

DECLARATION:

This dissertation (project paper) is my own original work and to the best of my knowledge has not been presented for a Masters Degree or any other qualification in any other institutions.

SIGNED: FREDRICK ROGERS MAKANGA BOGERE..

DATE: .... SEPTEMBER 2004

This project paper has been submitted for examination with my approval as a University Supervisor.

DR. C.O. HITENG ....

DATE ..15../11./2004.......

i

TABLE OF CONTENTS

CHAPTER FOUR

CHAPTER FIVE

CHAPTER SIX

CHAPTER SEVEN

DEDICATION:

I dedicate this study to my dear mother Eriosi Nansasi, who appreciated her academic and economic limitations and sought to transform them into a strength by inculcating in us her children the importance of education for which I hereby register my sincere thanks.

<div align="right">

COLONEL FREDRICK ROGERS MAKANGA BOGERE

NOVEMBER, 2004

</div>

ACKNOWLEGDEMENTS:

- My sincere acknowledgements are directed to:
1. (a) The Almighty God who has guided me through many challenges and provided me with abundant opportunities.

   (b) Both the Ugandan and Kenyan governments for offering me an opportunity to improve my knowledge and skills.

   The National Defence College (NDC) Kenya and The Institute of Diplomacy and International Studies (IDIS) University of Nairobi for operationalising the study offer.

   (c) All my past institutions of learning for their enormous contribution to my knowledge.
2. My Supervisor Dr. C.O Hiteng for finding time in his extra busy schedule to guide me on the needful.
3. The various resource persons, professionals, opinion leaders and colleagues of course 7 NDC (K) 2004 for the positive consultations and direction of this project during research and writing.
4. Lilian, Najmah and Carol who provided excellent secretarial services.
5. My brothers and dear friends Col. Eric Mukasa and G.W Semakula for the assistance and protection rendered to my family during my full year absence.
6. Last but not least, my dear family for their moral and material support but more so enduring the thousands of hours of inattention.

LIST OF ACRONYMS AND DEFINITIONS

AU	-	African Union
AEC	-	African Economic Community
APPER	-	Africa Priority Programme for Economic Recovery.
AAF-SAP	-	African Alternative Framework to Structural Adjustment Programme.
APRM	-	African Peer Review Mechanism.
AGOA	-	American Growth Opportunity for Africa.
COMESA	-	Common Market for East and Southern Africa.
CMCA	-	Commission of Mediation, Conciliation and Arbitration.
CIAS	-	Conference of Independent African States.
ECOWAS	-	Economic Community of West African States
EAC	-	East African Community
ECA	-	Economic Commission for Africa.
ECOSOC	-	United Nations Economic & Social Canal.
ECCAS	-	The Economic Community of Central African States.
EU	-	European Union.
FAL	-	Final Act of Lagos.
IGAD	-	Inter Government Authority for Development.
ICCPR	-	International Covenant on Civil and Political Rights.
ITU	-	International Telecommunications Union.
IMF	-	International Monetary Fund.
ICT	-	Information Communication Technology.
ICESCR	-	International Covenant on Economic, Social and Cultural Rights.

LPA	-	Lagos Plan of Action.
Laissez Faire	–	It is the doctrine of freetrade
MSE	-	Medium Scale Enterprises.
NIEO	-	New International Economic Order.
NEPAD	-	New Partnership for African Development.
NAACP	-	National Association for the Advancement of Coloured People.
NAI	-	New African Initiative.
OAU	-	Organisation of African Unity
OAMCE	-	Organisation Africaine et Malgache de Cooperation Economique.
OAU	-	Organisation de L'Unite Africaine translated into English to become the Organisation of African Unity.
PAFMEGA	-	Pan African Movement of East and Central Africa
PAFMESCA	-	Pan African Movement of East, Central and Southern Africa
PRA	-	Parti du Regroupment Africaine
PANA	-	Pan African News Agency.
PATU	-	Pan African Telecommunications Union.
PAPU	-	Pan African Postal Union.
PSC	-	Peace and Security Council.
PTA	-	Preferential Trade Area.
REC	-	Regional Economic Communities.
RDA	-	Rassemblement Democratic Africaine
REAGENOMICS	-	The United States Economic policies during president Ronald Reagan.
SADC	-	South Africa Development Community.
SAP	-	Structural Adjustment Programme.
UN	-	United Nations
UGTAN	-	Union Generale des Traveilleurs D'Afrique noire

UAM	-	Union Africaine et Malgache.
UAMD	-	Union Africaine et Malgache de defence.
UNITA	-	Union Nationale Independence for the total liberation of Angola.
UN-PAARED	-	United Nations Programme of Africa for Africa's Economic Recovery and Development.
UN-NADAF	-	United Nations New Agenda for the Development of Africa.
UNDP	-	United Nations Development Programme.
UEMOA	-	Economic and Monetary Union of West Africa.
UMA	-	Arab Maghreb Union.
WB	-	World Bank.

Special Terms

Brazaville group	-	Conservative Francophone Countries.
Casablanca group	-	Radical Independent States that sought to expedite African Independence through a quick and complete withdrawal of European powers.
Peer Review Mechanism	-	An African Self Inspection and Assessment on the improvement of public and corporate governance.
Zaire	-	It is the former Congo Kinshasa now the Democratic Republic of Congo.

PREFACE

Compared to all other regions of the world, Africa is the least developed yet with no clear steps out of the underdevelopment quagmire. This study acknowledges the damage occasioned to Africa by slave trade and the colonial heritage which hasten to apportion responsibility on the African leadership itself.

The continent crisis of poor leadership, identity and confidence manifests in her misrule socio-economic mismanagment, conflicts and retardation. This study evaluates Africa's recent steps to address the phenomenon through the transformation of the Organisation of African Unity into the African Union and the chances of effectively addressing the under development impasse through democratic governance.

The study also advances the view that democratisation of the African political, cultural and socio-economic conditions cannot be attained in the midst of ignorance which is exploited to the maximum by the leadership hence the need for the emancipation of the populace across the continent. It is further argued that full democratisation and the related sustainable economic development cannot be fully achieved without resolving the unfairness and tension between the state and society rooted in the failure to assign people the highest degree of human dignity aimed at encouraging national ownership and confidence for the requisite political and socio-economic growth. The study thus emphasises the adherence to democratic dictates, the significance of African Unity through integration and the need for Africa's own solutions to problems through research and development. This study advances the view that besides enacting democratic laws, Africa should seek the international backing in the universal enforcement of democratic norms to curtail the rampant abuse of power on the continent. The study further expounds on the apparent conspiracy between the developed world and some of the African leadership that perpetually keeps the continent on a match time.

It is noted that there are no meangingful practical steps taken so far to address the missing link of democratic governance and that even the liberal policies being embraced are selectively applied in favour of the rulers against the common good of Africans.

Finally, it is observed that addressing Africa's shortcomings did not of necessity require the change of name from OAU to the AU but an ammendment of the scope to

address the selfish attitudes of some leaders for an operational environment that is geared towards the people's common good as opposed to self interests.

Last but not least, my sincere appreciation goes to the Ugandan government, the NDC – Kenya for availing me this study opportunity, my SDS – Sponsor Major Gen Anthony M. Rob and the Project Research Supervisor Dr. C. O. Hiteng for their untiring guidance.

FRED R. M. BOGERE,

NOVEMBER, 2004.

1.0   CHAPTER ONE: INTRODUCTION

Owing to a destructive history, lack of a sufficient spirit of self reliance, transplantation of un researched policies, the unjustified admiration and dependence on the development world, Africa has been marked by loud and silent calls both from within and without the continent to put in place an explicit and increased democratization of her socio-economic, political and cultural relations for the rediscovery of her gradual development agenda that has over time, got distorted and retarded by the evils of slave trade, colonialism, misrule, dictatorship, violations of human rights, suppressions of fundamental freedoms and liberties, embezzlements, misappropriations and the total disregard and manipulations of the rule of law behind the continent's numerous false starts.[1] One fundamental factor that has all along dodged Africa to its continuous crisis is the notion of genuine democracy that started with the invasion of Africa's natural growth characteristised by the abuse of human dignity and exploitation as observed by Tsuma[2] that:

> The greatest relevance that the era of slave trade has for the development or more accurately underdevelopment of Africa consists in the fact that it was then that the root were planted of a system of relations dominated by economic exploitation of the continent by countries of the north, notably Europe.

Against the realization of the commonality of political and socio-economic challenges faced by the continent, the immediate post-independence leadership of Africa led mainly by among others Kwame Nkurumah, Sekou Toure and Julius Nyerere agreed on a collective approach to the problems faced by Africa by forming the Organization of African Unity on the 25th May 1963.[3]

However, ten years after independence, Africa experienced a continuing and deepening crisis of democracy and more so the absence of people-centred institutions which was exacerbated further by a series of military coups in 1969. The military accused the political leadership of dictatorship, corruption and economic mismanagement. They

---

[1] Richard Joseph, ed., *State, Conflict and Democracy in Africa* (London: Lynne Rienner Publishers Inc., 1999), p. 3.

[2] Tsuma O. G., *Science and Education in the African Context* (Jomo Kenyatta Foundation, 1998)

[3] Walraven K. R., *Dreams of Power: The Role of the Organization of African Unity in the Politics of Africa 1963-93* (Ashgate, 1999), pp. 140-146.

claimed to speak against misrule and corruption on behalf of the suffering people and promised among others to clean up the malpractices and a quick return to civilian rule upon completion of the surgery for democratic governance. The fulfillment of the military's self-set pledges of a return to civilian democratic governance soon proved a little harder than their coup pronouncements particularly after testing the sweetness of the only left economic product on the continent in the name of political power as the precedent of coups became a routine phenomenon.[4] The military, especially in Africa has little if any history of good governance and its democratic credentials understandably from its own training background are prone to what they know best and that is the direct use of naked and ruthless force. The 1963 formation of the OAU was an effort to form a collective response to the African political and socio-economic challenges of the time, however, the unity envisaged has been elusive with armed conflicts all over the continent occasioning despotism, extra judicial killings, displacements of people, refugees, hunger, disease, civil strife, infrastructural breakdown and state collapse hence the African crisis. Consequently, four decades after attaining independence, the two views that emerged immediately before and after independence in form of continentalism or the United States of Africa propagated by continentalists representing the modern federalists on the one hand and the functionalists[5] in support of autonomous sub regional cooperation on the other hand have re-emerged to daunt Africa in search for a lasting solution to conflicts, democratic governance, peace, security, stability and economic development. Although the victorious view that emerged in the 1960s was that of functionalists, the spirit of one of the greatest African sons Kwame Nkrumah is back to daunt the continent to revisit his federal integration vision of the 1960s when in his 1964 OAU conference speech in Cairo, said *inter alia:*

> In the year that has passed since we established the Organization of African Unity, I have had no reason to change my mind about the concrete proposal, which I made to you then, or about the reasons I gave for my conviction that only a Union government can guarantee our survival. On the contrary, every hour since then, both the world at large and on our own continent has brought

---

[4] Samuel Decalo, *Coups and Military Rules in Africa;* 2nd edition, New Haven, C.T. Yale University Press, 1990, pp. 2-9.
[5] Kinfe Abraham, *The African Quest; The Transition from OAU to AU* (EIIPD Press 2003), pp. 47-52.

events to prove that our problems as individual states are insoluble except in the context of African Unity.[6]

Since independence, the continent has witnessed a series of negative developments especially in governance rotating around marginalization, ethnic divisions, disputed election results and oppression occasioning armed conflicts and massive deaths, displacements and disruption of social life thus retarding the political and socio-economic progress of the continent. In an effort to address these problems, the OAU adopted the African Economic Community treaty in 1991 in Abuja – Nigeria which was later followed by the adoption of the African Union Constitutive Act on 11 July 2002 in Lome – Togo by the OAU and the AEC. The adoption of the constitutive Act was the first step in a gradual process to streamline and rationalize the existing organizational framework of the continent and make the Union responsive and relevant to the 21st century demands of peace, stability and economic development through democratic governance. The Constitutive Act entered into force on the 26th of May 2001 and the transition from the OAU to the African Union (AU) was concluded with the convening of the inaugural summit of the African Union that took place in the South African city of Durban on 20th July 2002.

Earlier, in his 9th July 2002 inaugural speech to the heads of states and governments as well as other dignitaries who included the UN Secretary General Koffi Annan, President Thabo Mbeki of South Africa argued *inter alia* that:

> As Africans we have come to understand that there can be no sustainable development without peace and without security and without stability. The constitutive Act provides for mechanisms to address this challenge which, stands between the peoples of Africa, and their ability and capacity to defeat poverty disease and ignorance...By forming the Union, the peoples of our continent have made an unequivocal statement that Africa must unite. We must end the senseless conflicts and wars on our continent which have caused so much pain and suffering to our people and turned many of them into refugees and displaced and forced others into exile. In the spirit of the Constitutive Act of the Union we must work for a continent characterized by democratic principles and institutions, which guarantee popular participation and provide for good governance. Through our actions let us proclaim to the world that this is a continent of democracy, a continent of democratic

---

[6] URL: http//www.africanfront.com/history.php p. 3.

institutions and culture. Indeed a continent of good governance where the people participate and the rule of law is upheld... Let us today rededicate ourselves to those fundamental principles we have adopted of human and people's rights, of gender equality, of worker's rights and the rights of the child.[7]

In a related development, president Mbeki while formally addressing the 3rd extra ordinary executive council session of the African Union on 21st of May 2003 at the South African Sun City argued *inter alia* that:

All of us are aware of the challenges that face our continent with regard to peace and stability. We are aware of the debilitating negative consequences of conflicts and wars. We know that many of our countries are poor and underdeveloped and partly because many of our people have seen too much conflict, death and displacement. Accordingly, we are agreed that we must continue to spare no effort to banish forever the wars and conflicts that are a serious obstacle to our common programme for the development of our countries and continent... As we discuss the various issues on the agenda of particularly the various organs of the African Union, I am sure that we would be guided by the need to achieve the central objectives of this continental body which are democracy, peace, stability, development and prosperity[8]

The creation and coming into force of the African Union, has generated debate in a broad spectrum of interested groups more so the victims of instability, the majority of whom have suffered its effects from loss of dear ones, physical injury, displacement, hunger, lack of shelter, unemployment, infrastructural destruction, retardation to social hopelessness. While there is almost unquestioned consensus on the missing link of democratic governance to the crisis befalling the continent, the unresolved debate is on the approach and conditions for instilling democratic principles in Africa and the related prospects for economic development. The main question that lingers around the formation of the African Union is whether it necessitated a renaming from the Organization of African Unity to African Union (AU) to introduce and realize the requisite transformation of democratic governance in Africa? Consequently, the common questions are: Is the diagnosis and prescription right? Does the African Union possess the will and capacity to introduce democratic values in Africa? What is the quality and mode

---

[7] URL: http://www.anc.org.za/anc docs/history/mbeki/2002/tm0709.html, pp. 2-3
[8] *supra*

of democracy envisaged? Can Africa develop its own values outside the world system of liberalization and globalization? Is Africa in charge of her own situation? What are the prospects of Africa generally in the circumstances? Will the AU manage to contain Africa's unresolved conflicts and prevent new ones?

These questions and many others will be attempted by this critical assessment and comparative study of the OAU in contrast to other regional integration bodies like the European Union, The South African Development Co-operation, The Economic Community of West African States and others to bring out the lessons of integration in the case of the African Union within the context of international political education standpoint.

1.1   The Research Statement

There is almost a worldwide consensus, and more so within the African continent itself, that the absence of democratic values and practice particularly in political governance scoops the biggest percentage of the contribution to disagreements, misrule conflicts, turmoil and the underdevelopment of Africa. Democratic governance therefore is viewed with much optimism towards African peace, security, stability and development, the absence of which will continue to set the continent on fire and thus instability and economic retardation.

Africa suffers a historical setback of being a late arrival on the world stage that has developed and it's yet to catch up with the global pace of industrial and technological development. The current debate is whether liberal democracy is a prerequisite for modern economic development and the major question to African stakeholders, well wishers and the international system relates to: -What effect does the transformation of the OAU into the AU have on democratic governance in Africa? What type of democracy? what are the chances of liberal democracy and what are its implications on African stability and development? What are the potential obstacles for the AU's drive to enhance democratic governance in Africa? And what strategies does the AU require to enhance democratic governance in Africa?

1.2 Objectives of the Study

This study seeks to critically assess the potential challenges in the introduction of liberal democratic governance as well as proposing strategies for enhancing democratic governance in Africa. The specific objectives of the study are to:-

- Examine whether the African Union set objective of democratic governance is achievable or a mere reflection of ideas.
- Examine the extent to which the African Union can deliver democratic governance within member states.
- Identify the potential challenges of liberal democratic governance that the AU will be confronted with.
- Examine both the available theoretical and legal framework for the promotion and protection of democratic governance.
- Suggest possible strategies for the delivery of democratic governance.

1.3 Justification of the Study

Most studies undertaken on the failures of the continent have tended to attribute them on colonialism, lack of democracy and good governance based on pluralism *per se* without an evaluation and emphasis on the empowerment of the masses, the political and moral accountability of the leadership as well as the requisite measures for the strict observance of accountable governance and strict observance of the law. This study therefore examines and informs on how the various distortions of democratic governance deliberately omitting people empowerment, moral aptitude, strict observance of the law and lack of accountable governance impact on peace, security, stability and development in Africa so as to improve and redirect focus of policy and strategy design to understand the relevance of democratic governance on African security, stability and development.

1.4   Hypothesis of the Study

- Regional integration enhances democratic governance.
- Regional integration undermines democratic governance
- Regional integration has no effect on democratic governance.

1.5 Methodology

The study relies mainly on secondary sources of data involving a review of both published and unpublished materials to include *inter alia* books, journals, conventions, official reports, press releases, statutes, internet sources and any other relevant material. The study also seeks to solicit views of opinion leaders as well as academicians and other professionals by way of either interviews or unstructured questionnaires.

1.6 Scope and References

The study mainly based on secondary data excludes other objectives of the African union and focus only on democratic governance stretching to the related areas of socio-economic development within the limits of the conceptual definition of democratic governance.

CHAPTER TWO: LITERATURE REVIEW

2.1 Slave Trade and Colonial Heritage

Africa's historical angle of slave trade ranks high and greatly accounts for the continent's underdevelopment woes to date. The infamous Trans Atlantic slave trade is an account of how Africa became a victim of a depopulation and dehumanizing campaign against its black race. While the industrial revolution was a positive development especially in Europe, the contrary was true in Africa. Fage observes that the subjugation of Africa by European powers during the last quarters of the 19th Century, which literally diced the whole continent between European powers at the 1884/85 Berlin Conference[9], was the outcome of bargains and counter bargains in response to the industrial revolution demands.[10] This was a rather very unfortunate development in the growth of Africa in which its human social systems that ought to have gradually grown were disrupted and distorted replacing with it a very early dependence syndrome.

To Kinfe, the most devastating outcome of the Afro Euro interaction was slave trade as well as the abrupt and random subdivision of communities with single ethnic groups being subdivided between borders of new neighbouring states and this has had its contribution on the many conflicts in Africa especially those rooted in the colonial seeds of divide and rule.[11] While in some cases these arbitrary divisions helped to promote diversification of communities across Africa, some of these subdivided ethnic groups like the Samia between Kenya and Uganda or the Rwandese Bafumbira in Uganda and Rwandese Banyamulenge in the Congo have suffered marginalization and occasional outlaw for which the natural consequence has been devastating conflicts protesting marginalization.

---

[9] Peter Schwab, *Africa: A Continent Self Destructs* (New York: Palgrave, 2001), p. 15.
[10] Fage J. D., *A History of Africa* (3rd edition, London and New York: Routledge, 1978), pp. 215-244.
[11] Kinfe, *op. cit.* , pp. 24-26

2.2 The Spirit of Pan Africanism

The argument of yet another Africa's false start is not unfounded and Amate observes that the idea of an all African Union has persisted for decades and indeed pre-dates African independence rotating on the spirit and concept of Pan-Africanism by Henry Silvester Williams an African lawyer domiciled in West Indies. He organized the 1900 London Pan African congress to discuss colonialism and domination.[12] Later, Burghardt Dubois joined with a new breed of young and energetic African leaders who also sparked off the struggle against domination and carried the spirit of Pan Africanism forward through organizing International conferences. Indeed, Amate further notes that the first three mass movements from which the spirit and framework of the later to become the Organisation of African Unity were from West Africa namely Rassemblement Democratique Africaine (RDA), parti du regroupment Africaine (PRA) and Union Generale des travailleurs d'Afrique noire (UGTAN)[13]

Like is the case today, in 1959 while Nkrumah and Sekou Toure were constituting their countries into the nucleus of the African Union, Liberian president William Tubman, refused to join the nucleus of the Union for fear of ceding some of the sovereign powers and preferred for a loose cooperation to be called the Associated States of Africa. Despite William Tubman's refusal to join and form the Union of independent states of Africa, his views of a mere association prevailed over those of Nkrumah and Sekou Toure such that in 1959, the three agreed on a special conference of all independent and non-independent African states set for 1963 for a charter of an umbrella organization to be called "the Community of Independent African States."

Amate further observes that this allowed member states to maintain their national identity and values of constitutional structures, international relations and policies as well as duties and obligations but would continue to pursue the common aims of the community in terms of assisting, fostering and speeding up total liberation of other non-independent African territories. However, right from the beginning, there were clear signs

---

[12] Amate C. O. C., *Inside the OAU. Pan Africanism in Practice* (London: Macmillan Publishers Ltd., 1986), p. 34.
[13] *ibid.* , p. 38

of divisions within the anticipated African unity membership. As Nkrumah pushed for Pan Africanism through the all African Peoples Conferences of the late 1950s, other regions especially East, Central and Southern Africa also formed the Pan African movement of East and Central Africa (PAFMECA) aimed at a Federation upon attaining independence. Although the above efforts culminated in the formation of the Organization of African Unity on 25th May 1963 in Addis Ababa, their scope never extended to Nkrumah's envisaged political Union.

Ultimately, at the formation of the OAU, a good number of African states had attained political independence but the most daunting tasks faced with the new leaders was that of national state building only to be caught up in the fracas of nation state building by the rather ambitious military some of which accused the politicians of paying extra attention to African matters as opposed to national matters.[14]

2.3 The OAU Performance

Sharp divisions featured as early as 1963 during the foreign minister's OAU Charter preparatory meeting where, all the independent states were represented save for Morocco, which abstained as a protest of having Mauritania in the same conference which it regarded its territory. The other notable absentee was Togo whose foreign minister despite his physical presence in Addis Ababa and Ghana's pleadings was prevented from participating as he represented "a blood thirsty" regime that had on 13th January 1963, toppled and assassinated the respected president Sylvanus Olympio.[15] According to Walraven, by the time the OAU idea materialized in 1963, there were deep rooted divisions among the member states founded on different factors among them Ghana's loss of the Pan African initiative for what members had blamed on Nkrumah's support for opposition groups from various countries especially Nigeria and Cameroon. There was also a struggle for hegemonic influence especially within the West African states, some of which tried to out manoeuvre each other.

---

[14] *ibid.* , p. 40
[15] *ibid.* , p. 51

The divisions above were exploited to maximum by the bi-polar politics of the cold war and this was most exemplified in the Congo (Zaire) crisis of 1960 that virtually came close to the breakup of the Pan African spirit and threatened a major continental division and an international war. At a continental level, Africa was for the first time operating under a continental regime as the OAU formed a new intervening variable between the continent's actors and for the record, all states had agreed to Pan African norms of interstate behavior which in accordance with Krasner's view would influence foreign policy calculations.[16]

The OAU formed a Pan African alliance at the UN which was to address the opportunity cost of each nation's representation as well as the advantages of a single but very powerful African voice on international issues at the UN. To Walraven, when the OAU finally got down to its business, it featured like a time mouse as it turned into a strictly inter-government organization under the control of an organ made up of Africa's heads of states themselves. The charter with its strong clear words stipulated in general terms cooperation in various fields in which every state was formerly equal emphasizing sovereignty, non-interference, territorial integrity and national independence thus consolidating the political status quo. Consequently, the Addis Ababa conference was simply served as a restructure of international power relations and as a result, the OAU birth and its program was no threat to short or long term western interests.[17]

Nevertheless, the OAU desire for a quick independence for Africa intensified in the mid 1970s but was equally disrupted by internal disputes between the different liberation movements and the Cold War divide making it easy for its derailment by intrusive powers and the Pan Africanism dream virtually impossible. The Times of Zambia condemned this kind of division[18] after the controversial Libreville summit that failed to condemn external interference in the African independence efforts with an emerging view that independence had brought in its wake patterns of competitive interactions between state elites leading to conflict with one another. Such disputes rotated around a variety of factors such as personal animosity between leaders,

[16] Krasner S. D., *Regimes and the Limits of Realism: Regimes as Autonomous Variables in International Regime* (London: Ithaca, 1983), pp. 355-368.
[17] Walraven, *op. cit.*, p. 45
[18] *Times*, Zambia, July 6, 1977

subversive support for each other's opponents, and territorial disputes. However, very rarely has there been large territorial claims but what has been very common is the twin pattern of domestic instability spilling over to neighbours either through sympathy and clandestine support of domestic factions or the surge of refugees on the already inadequate infrastructure resulting into arms trafficking, economic crisis, security breakdown, refugees, and untold human misery.

Initially, the OAU was concerned with interstate conflict settlement playing mediation or arbitration roles but the intensity of domestic conflicts and their international character of spillovers compelled the organization to engage the legal question of non-interference which more often was a thorn in its flesh especially in the 1990s where the OAU's focus shifted towards a more activist and humanitarian approach. But of interest is the fact that the OAU charter's institutional and procedural provision and mechanism of the "Commission of Mediation, Conciliation and Arbitration" (CMCA) was never taken advantage of despite the many conflicts on the continent[19] such that the OAU conflict management norms have on most occasions proved inadequate. As for domestic conflicts, the provision of the charter on non-intervention and non interference[20] when interpreted strictly meant that non-interference even did forbid the OAU itself from discussing any member state's domestic matter without the prior consent of the member concerned.[21] This in itself produced room for autocratic rule leading to gross abuse of human rights across the continent.

The Nigerian Daily times also joined the attack of the African leadership by questioning the validity of official conspiracy theories observing that many problems were not caused by external forces but by state elites themselves. The paper further noted that the OAU had almost developed into a mutual admiration club for African leaders, which was more pre-occupied with perpetuating their monopoly of power than solving Africa's problems.[22] Matters of the OAU failure were further exposed by captain Thomas

---

[19] Walraven, *op. cit.*, p. 274
[20] OAU Charter, Article 3 (2)
[21] Okongwu O., "The OAU Charter and the Principles of Domestic Jurisdiction in Intra African Affairs," *Indian Journal of International Law*, 1973, pp. 589-593.
[22] *Daily Times Nigeria*, July 24, 1979

Sankara's articulation of the trade union metaphor during the 1986 summit issuing appeals for an OAU that worked for the people rather than the heads of state.[23]

2.4 Military Coups

Before mastering the science of public governance and in the midst of socio-economic challenges, Africa had began to experience military coups starting with the 13th January 1963 Togolese coup and by 1975, twenty of the then continents 41 independent states were under military rule or civil military cliques.[24] According to Welch, the African armed forces were and often still are another important institution in the states attempt to control society. The role, size and structure of African armies must be explained in reference to their colonial origins as their main duty was to sustain European rule. They were and remain the guarantors of internal rather than external security.[25] However, Walraven observes that comparatively, although their capacity may prima-facie appear limited, African armies represent a powerful force within society and despite attempts by some of the civilian governments to keep the military out of the political arena, the 1963 coup d'etat in Togo had by the mid 1980'smultiplied into a total of 47 successful military coups.[26] These Juntas formed officially populist but in practice authoritarian systems of varying degrees of social oppressiveness offering and pronouncing national visions of a better future through untested organizational concepts.

Indeed they did frustrate the growth and development of democracy through the introduction of the big-man syndrome as well as effectively precluding competitive elections that would have exposed their weaknesses pursuing with zeal the Marxist principles of their subordination of all national structures such that no room was left for varying views. The end result of such a political environment was in most cases the outcome of a clandestine organization of rebellion and the resultant liberation struggles

[23] Thomas Sankara, in *La Revolution Burkinabe*, by Englebert P. (Paris, 1986), p. 199.

[24] Decalo S., *Coups and Military Rules in Africa: Etiology and Morphology* (New York: Vail Ballou Press, 1990), p. 2.

[25] Welch C. E., ed., *The Roots and Implications of Military Intervention, 'Soldier and State in Africa. A Comparative Analysis of Military Intervention and Political Change'* (Evastian, 1970), pp. 6-9.

[26] Walraven, *op. cit.* .

most of which never delivered the anticipated democracy, but worse still caused untold human suffering and distortion of social life through the so called liberation wars.

2.5 OAU Transformation into AU

By 1975, the OAU and the UN had noted the serious development gap on the continent with the Inter-African Convention for Technical Cooperation Programme signed in Kampala which registered no practical results thereafter. However, the most clear evidence of the need for OAU structural changes came to light with the 1979 Charter review committee. By the mid 1980s, conflicts had sprang up in most corners of the continent and abject poverty was biting hard. The OAU failure to realize economic integration was in some quarters blamed on its leadership's dishonesty arguing that while many supported the creation of a greater economic power, consensus was visibly absent on its implementation.[27] It was further observed that one needed to involve Africa's people in economic integration along the popular spirit of Pan Africanism and the absence of domestic pressure groups was felt as a major missing link in Africa's transformation.[28] Along the deteriorating conditions of the 1990s, it became increasingly clear to OAU as to which cooperation had to be strengthened and attained if the downward dive of the continent was to be reversed.

According to Professor Margaret Vogt,[29] in a 1990 declaration, the OAU heads of states and governments recognized that the prevalence of conflicts in Africa was seriously impeding their collective and individual efforts to deal with the continents economic problems. As for Walraven, the answer to the deterioration puzzle was again sought within the paradigm of unity.[30] Thus in 1991, member states signed a treaty for a fully-fledged African Economic Community (AEC). It was envisaged that the AEC would work with regional bodies like the South African Development Community (SADC) in six phases over a 34 year period to involve a full economic and monetary union as an integral part of the OAU. Since the Abuja treaty of May 1994, which

---

[27] *Cameroon Tribune*, August 9, 1986.
[28] Walraven, *op. cit.* . p. 359
[29] Special Assistant to the UN Secretary General, Department of Political Affairs.
[30] President Diouf in *Le Soleil* Interview, June 5, 1991.

established the AEC, the OAU was operating on twin legal instruments of OAU/AEC with a lot of overlapping and confusion.

The 9th September 1999 extraordinary summit of the OAU in Sirte-Libya made public the need and called for the establishment of an African Union in conformity with both the OAU/AEC objectives. The same Sirte summit ignited the spirit of NEPAD with a call to the cancellation of Africa's external debts.[31] This was later followed by the Lome – summit which adopted the constitutive Act of the African Union. The above was closely followed by two consecutive summits of 2001 in Zambia and 2002 in Durban, that drew the AU road map and AU launch respectively. In his keynote address during the launch of the African Union on the 9th July 2002, in Durban, President Thabo Mbeki summarized the OAU decisions and argued the African leadership to listen to the calls of the suffering people, work for unity and end the senseless conflicts by forming a continent characterized by democratic principles and institutions for the requisite peace, stability and development.

The strategy taken by the African leadership to address these shortcomings and crises as outlined by president Mbeki was regional integration for which the African Union was formed.

2.6 The AU Challenges on Democratic Governance

The major debate within Africans and other stakeholders remains which approach could best deliver democracy and development. To Kinfe, the last experience of Africa has mainly been the struggle for independence, assertion of sovereignty and struggle for national prestige. For Harbeson, the critical point in the process of democratization is the replacement of a government that was not chosen freely and fairly by one that is selected (elected) in a free, open and fair election.[32] He further argues *inter alia* that the emergence of virtual rather than "real" democracies in Africa is not just a consequence of the success of the incumbent leaders in thwarting demands for more open political systems, but an outcome of a more complex interplay of interests and motives. Incumbent

[31] Kinfe, *op. cit.*, p. 16
[32] Harbeson J. W., "Rethinking Democratic Transitions: Lessons from Eastern and South Africa" in *State Conflict and Democracy in Africa, op. cit.*, p. 42.

regimes which had long been able to feud off internal and external demands for political reforms were finally obliged to liberalize their systems after 1989. From the standpoint of many of these regimes, far-reaching democratization was likely to mean defeat.

Robert Bates argues that in the advanced industrial economies, the capital embodied in human being is a key factor of production and that entails education, skills and the willingness to apply them. He asserts that production plans can't be imposed in an economy that depends on human capital rather those possessing skills must be listened to with their need ascertained and their environment structured to enable them happily do what they do best.[33] He further contends that in Africa, the market economy is yet to produce a coherent bourgeoisie to ignite the requisite political reforms. It has further been argued that claims made in favour of globalisation in Africa seem particularly suspect for the impressive growth figures in international trade are more to do with other regions than Africa.[34]

On his part Mkandawire wonders how fragile democratic regimes in Africa will harmonize simultaneous occurrence of globalization and political liberalization at a time when the distributive impact of both is being questioned at home.[35] Indeed De Walle further observes inter alia that integration into the world economy implies finally the need to adjust rapidly into the international system even when this is politically difficult. On conflicts, Ottaway believes that the causes of ethnic conflict have to be sought more in the present than in the past.[36] She contends that the greater percentage of ethnic conflict is rooted in the political and economic distribution but precisely this is where some African leaders have justifiably laid claim and fears against pluralism particularly where elections run the risk of taking violent ethnic dimensions.

Nevertheless, Bratton and Posner, believe that the pluralist elections of the 1990s across the continent were critical because, they formed a transition from an extended period of authoritarian rule to a new era of flowing democracy. That while incumbent

---

[33] Bates R.S., "The Economic Bases of Democratization," in *State Conflict and Democracy in Africa, op. cit.*, pp. 88-90

[34] De Walle Nicolas V., "Globalization and African Democracy," in *State Conflict and Democracy in Africa, op. cit.*, p. 101.

[35] T. Mkandawire, "Crisis Management and the Making of Choiceless Democracies," in *State Conflict and Democracy in Africa, op. cit.*, p. 119.

[36] Mariner Ottaway, "Ethnic Politics in Africa: Change and Continuity", in *State Conflict and Democracy in Africa, op. cit.*, p. 300.

parties were in most cases "overwhelmingly" returned to power, the poor quality of the electoral process raised queries of legitimacy of the new "democratic rule."[37] They further acknowledge that the continent is belatedly waking up to address the thorny issues of women emancipation and the women's role in the democratization process which has been another of those loopholes. Kinfe observes that the cancer of corruption has had a contribution in malfunctioning the electoral process and those other social calamities like HIV/AIDS, poverty and conflict among others have been thorny issues to African progress.[38]   In general terms however, the delayed resolve of the democratic question and the temptation to interpret democracy to suit selfish interests of cliques other than the general good tends to impact negatively on the socio-economic development of most African states.[39]

2.7 Literature Assessment

A refocus of the scholarly literature reviewed and the lessons thereof on democratic governance in Africa higlights how it deals with the issues and those it leaves hanging. From the onset, the literature available re-echoes the importance of understanding the historical perspective of phenomenon so as to arrive at the right diagnosis. In particular, capturing the historical perspective of Africa as a continent, its people and phases of governance is critical in analyzing the past, present and future. Firstly, what happened to have been a major breakthrough of Western Europe by way of the industrial revolution literally closed the African natural growth door as European powers set out to partition and apportion Africa with a devastating human drain. Authors like Fage, Schwab, Kinfe and others eloquently articulate this point. Secondly, agitation, mobilization, resistance and in some cases war against slavery and occupation was a natural consequence for which no might of suppression could succeed. The spirit of Pan Africanism did mobilize the Africans for their political freedom a point emphatically delivered home by Amate and Walraven.

[37] Bratton M. and Posner D.N., "A First Look at Second Elections in Africa with illustrations from Zambia," in *State Conflict and Democracy in Africa, op. cit.* , pp. 377-390.
[38] Kinfe, *op. cit.* , pp. 173-230.
[39] Adebayo Olukoshi, "State, Conflict and Democracy in Africa: The Complex Process of Renewal," in *State Conflict and Democracy, op. cit.* , pp. 455-461.

Secondly, disagreements and undermining have been part of Africa's body politic little wonder that even at its political infancy, the continent was at no one known time solidified as a single political entity. Interestingly, the most common characteristics for trouble then namely egoism of leaders and states, the cold war divide as well as the question of Congo have been the same factors to date though with a few additions. Amate, Walraven and Krasner expounds this point however, Walraven's view that one can hardly find a regional hegemony in Africa in the face of Nigeria's role in ECOWAS and South Africa in SADC tends to ignore current facts.

Thirdly the military in Africa has been a key player in determining the stability and development of a country. Decalo, Welch and Adebayo have highlighted this aspect.

Fourthly, the need for structural change in the OAU came to surface in the mid 1980s and the climax of the transformation of the OAU into the African Union in the 2001 was a development long overdue. However, the anxiety and expectations of African Democratic Governance and economic development by Kinfe and some African leaders seems to underrate the resolve of some African leaders to retain political power at whatever cost. More brains and strategies with a lot of concessions may have to be tabled to arrive at a more workable solution because even the ever-growing spirit of resistance cannot be precisely predicted. Kinfe observes with regret that the past fourty years experience of Africa have been lost in internal and external wars, displacement of citizens, assertion for sovereignty, egoism and squandering development opportunities. However, the debate as to the best approach to democracy remains unresolved. The NEPAD approach considered a renaissance represents liberal Democracy and *laissez-faire* principles but the extent to which some African leaders can tolerate and stomach credible challenges that liberalism will inevitably introduce remains to be seen. This argument is eloquently delivered with precision separately by both Richard Joseph and Harberson. In regard to the conflict crisis in the continent, Ottaway argues and rightly so that the reasons for African conflicts are to be found in the present other than the past. Indeed Ropivia observes that the construction of the ambitious pan African economic community by 2035 as envisaged in the 1991 Abuja summit left several unanswered questions as to how such a commutarian enterprise was envisaged at a time when evils undermining its development like the disregard of the rule of law are becoming more

prominent and how can African leaders succeed in establishing at the continental level what they failed to promote at home and within smaller regions?[40].

Surely the historical landmark of slave trade and occupation was such an unfortunate development that registered its historic mark, however, forty years down the road, Africa can no longer hide her weaknesses under the guise of colonial rule. Indeed even neo-colonialism whose concept of globalization Mkandawire and Walraven separately questions cannot solely take responsibility of the continent's state of underdevelopment. The key questions are that do Africans have values and are we interested in the common good? If we stir up our waters we should be ready to draw from thereof but not to disturb other people.

Perhaps in the renaissance spirit and in order to address the democratic deficit, Olukoshi agrees with Professor Vogts and advises on the need to rehabilitate the African state, review the role of the military in political reforms as well as the role of regional players which according to him, and rightly so, hinges on political will and the concept of sovereignty. Adebayo's recommendations represent precise corrective measures but equally Vogts' analysis on the need for political will and commitment. A few African leaders have shown their total commitment to democratic values and many are in the process of ushering in a genuine democratic culture but what should be done to win the confidence and will of others who only appreciate the law and would wish to enforce it as long as it applies to and affects others especially their political opponents but not themselves? To some leaders, the principle that law moves in a straight line is false, they would prefer acceptance to the general rule with an exception that when the law is scoring into their nets, then the goal posts under the guise of popularity and "National Interest" must be adjusted. Gitonga argues that democracy has become one of the core and foremost pre-occupations of the people of the world and that millions of men and women are clamouring for it ready to consent enormous sacrifices of sweat, tears and

---

[40] Marc-Louis Ropivia., "Failing Institutions and Shattered Space, What Regional Integration in Central Africa?" in *Regionalisation in Africa: Integration and Disintegration*, by Daniel C. Bach (Oxford and Indiana: James Currey Ltd and Indiana University Press, 1999), p. 125.

blood, up to including death to secure it and that this is the measure of the value of democracy to civilized mankind.[41]

The main task to the AU is the harmonization of these two extremes of a desperate search for democracy viz a viz a desperate desire to deny operationalising genuine democracy in order to retain power at all costs. Such adjustment of goal posts has in a number of cases occasioned a lot of ill will, agitation and in some cases armed conflicts with catastrophic outcomes. But for how long should Africa fight and when will the continent concentrate on other human development oriented business? The rest of the settled world is making big strides in science, technological research and development without Africa's realization that failure to embrace technology is simply a self-signed death wish.[42]

This has been the debate in a market of organizational options and after four decades of indecision, confusion and chaos, in a world auction market, the hammer has at last fallen, the winner is Africa, the product in form of a limousine car to deliver Africa from mismanagement, conflict and the resultant underdevelopment is none but the "top of the range" liberalism. However, as a result of long neglect, the road network is in a poor state and many have expressed reservations with others disapproving Africa's choice of the delivery van as not well thought out and quite unsuitable while others are in full support with a lot of optimism that the long and globally tested van's delivery was long overdue. However, another camp cries foul fearing that the offer, the procurement and the product itself are fake and not in good faith but rather a conspiracy between the seller and the representatives of the buyer to the detriment of the majority end users.

When African leaders collectively under the OAU analyses and realizes the absence and need for democratic governance as expounded by president Thabo Mbeki, how much of Vogts' political will and commitment are we talking about?[43]

Will the African Union choice of integration prove a suitable and durable mechanism to deliver her from the ruins of misrule, mismanagement, conflict and human

---

[41] Oyugi W.O. and Gitonga, *Democratic Theory and Practice in Africa* (Nairobi: East African Education Publishers, 1987), p. 2.
[42] Tsuma, *op. cit.*, p. 1
[43] President Thabo Mbeki - Speech at Africa Union launch, 9th July, 2002, URL: http://www.anc.org.za/ancdocs/history/mbeki/2002/tm0709.html .

catastrophe to usher in democratic governance for sustainable development? These and related questions are among the many answers this research seeks to assess and evaluate.

2.8 Conceptual Framework

How is democratic governance conceptualized? How and when is democratic governance realized? What are the most appropriate approaches to the realization of democratic governance in Africa and which theory informs the suitable approach? There is no universally agreed definition of democracy but from a conceptual standpoint, democracy implies majority rule, minority interests, human rights, justice for all and separation of powers. In operationalising democracy Dahl provides eight institutional guarantees as prerequisite for the realization of democratic governance namely freedom to form and join organizations, freedom of expression, universal adult suffrage, the eligibility and freedom of seeking any public office, the right of political leaders to compete freely for votes and support, the existence of alternative sources of information, free and fair elections and electorally accountable governmental policy making institutions.[44] He further emphasizes that the above scope which forms the foundation of realistic democracy can be theoretically condensed as a public contestation and is inclusive of participation which he has since updated to mean free and fair elections "in which, coercion is comparatively uncommon" and the right to form "relatively independent associations." To this, Schmitter and Karl have added two key criteria to include freedom of elected officials from overriding "opposition" from unelected officials and a polity that is self-governing; whose decisions do not require approval by extra-territorial actors.[45]

Democratic governance as a concept involves the establishment of efficient and accountable people-centred institutions, a predictable economic and political environment necessary for economic growth and the effective functioning public service aimed at full political and social economic freedoms and the removal of discrimination and marginalisations of all kinds and manipulations. The concept of democratic governance is

---

[44] Harbeson, *op. cit.*, p. 40.
[45] Schmitter Phillipe and Karl T. L., "What Democracy is ... and is not," *Journal of Democracy*, v. 2, # 3 (1991), pp. 86-87.

operationalised from a combination of the two concepts of good governance and development. It implies and relates to the existence of efficient and accountable institutions that make markets work freely and create a level playing field to enable the increment of material output for the improvement of people's lives and the expansion of choices for each to live a full creative life. The establishment of institutions and rules that give people a respectable voice and dignity, a say in decisions that affect their lives and their right to challenge those in power.[46]

Therefore, democratic governance in the liberal sense entails both democracy and good governance where the first notion of good governance itself extends beyond democracy to social justice and human freedoms. Furthermore, democracy also expands political and civil freedoms to equal economic and social opportunities that allow subjects to attain socio-economic development. Equally, Socio-economic development has no universally agreed definition but at a conceptual level, it entails a healthy environment of good living conditions with freedom and capacity of society to make human life advancement endeavors. The operationalization of socio-economic development involves a process within an economy with a society that is healthy where the sick receive proper medical care free from discrimination with tolerable levels of equality, respect of human rights, equity in the distribution of the national cake and average high standards of living. This means that there is an entire multitude of yardsticks of socio-economic development to include among others the removal of poverty and under nutrition, access to sanitation, clean water, health and education services and subsequently an increase in life expectancy.

Right from the 18th century, liberals argued that prospects for the elimination of war lay with preference to democracy. They argue that wars provide government with excuses to raise taxes, expand their bureaucratic apparatus and thus increase control over their citizens. That people on the other hand were peace loving by nature and only plunged into conflict by the whims of unrepresentative rulers.[47] In the search for peace and stability, liberal internationalist Hoffman argues that the essence of liberalism is self

---

[46] "Deepening Democracy in a Fragmented World", *UNDP Human Development Report* (2002).
[47] Schott Burchill, *et al.*, *Liberalism, [Theories of International Relations]* (New York: Palgrave, 1995/96), p. 33.

restraint, moderation, compromise and peace.[48] To liberals like Fukuyama, Carr, Kant and others therefore, peace and stability is attainable through liberal democratic credentials by some states which is to be emulated by states transcending their violent instincts and sharing principles of legitimacy amongst themselves and that the way forward was to encourage international friendship and free trade because artificial barriers to commerce distort perceptions and relations between individuals thereby causing tension but unhindered commerce unites them in common and peaceful enterprise.

Far from sharing the optimism of liberal internationalists above, neo realists like Waltz and Sheimer continue to stress the structural importance of international relations as the determinant of either war or peace because the moral aspirations of states are thwarted by the absence of an overriding authority to regulate their behaviour.[49] However, for Ricardo like Kant disagrees with Waltz and argues that trade would increase the wealth and power of peace loving productive sections of the population at the expense of the war oriented aristocracy and would bring men of different nations into contact with one another and realize their fundamental common interest to the realization of a universal society of nations throughout the civilized world. The above trend leads to yet another growth from liberal internationalism to interdependence which gives rise to Deutsch's theory of regional economic and political integration apparently being pursued by the African Union. He defines political integration as a process that may lead to a condition in which a group of people has attained within a territory a sense of community and of institutions and practices strong enough to assure for a long time, dependable expectations of peaceful change among its population. Conceptually, integration implies a process of ever-closer union between states in a regional or international context. Regional integration entails ceding part of the sovereignty to the centre. In the case of Africa, the formation of the African Union reflects a regional integration whose operationalisation would normally entail the ever-growing cooperation beginning with cooperation in technical areas like science and commerce which Mitrany calls the process of ramification.

---

[48] Dunne Tim, "Liberalism", in *The Globalisation of World Politics* by John Baylis and Steve Smith (2nd edition, London: Oxford University Press, 2001), p. 163.
[49] Burchill, *et al.*, *op. cit.*, p. 35

Regional integration is viewed by its proponents like Deutsch, Mittrany, Nye, Held, Archibugi and Babbio among others as the cosmopolitan model of democracy that creates a new practical international order that replaces the westphalian and UN models that had set strict protection to state sovereignty with an extended eye to the globalisation of democracy from below to the international institutions like the United Nations. Regional integration therefore, is a form of liberalism which argues that the way for peace and prosperity is for independent states pulling their resources together and even surrender some of their sovereignty to create integrated communities to promote economic growth and collectively respond to problems like globalisation.

Mittrany with many others like Lindber, and Nye believe that the functional approach to political integration gradually tackles and resolves technical issues that could be resolved by cooperative action across state boundaries by highly trained specialists other than politicians. That such technical cooperation would itself contribute or ramify to a change in attitudes in favour of greater cooperation over a widening spectrum of issues creating norms of peaceful rather than warlike behaviour.[50]

Besides the functionalist approach, there is a federalist approach advocated by Hass, Bull and Woodrow as another concept of integration process. This entails an open and abrupt confrontational attack on the principle of sovereignty as it seeks to extinguish the existing state and re-emerge or integrate it within another larger formation. For a number of reasons, the federal approach is not encouraged as states prefer a more cautious and gradual functional approach of integration. Therefore, besides being a cautious process of integration, functionalism allows a prototyped enjoyment of political power to the units coming together however, the ultimate objective of both functionalists and federalists approaches is the political union.

However, the type of integration being undertaken by the African union is cloudy since it is neither a federal nor a functional approach at least in the initial stages. The pace of developments that have already put in place a Pan African parliament, the Court of Justice, the Peace and Security Council and many others including a continental army in the final stages of being set up contradicts the normal behaviour or, characteristics of the

---

[50] James E. Dougherty and Robert L. Pfaltzgraff, *Contending Theories of International Relations - A Comprehensive Survey* (5th edition, London: Longman, 2001), p. 512.

functional approach yet the failure to cede power does not qualify it for a federal approach.

In effect, the existence of a will is questionable such that social evils of conflicts, senseless wars, displacements, refugees, human rights abuses, corruption, abuse of office with impunity and underdevelopment will cease on the African continent and be replaced with harmony and steady economic development provided; there is a total political will, commitment and sacrifice to adhere to civilized rules of governance and a total obedience to established law. The functional approach to integration will only be operationalised if the leadership is willing to abandon personal interests, accept to unite and be led as well as submitting itself fully to the known rules of the political game even within the individual countries. As the situation stands today, the AU has a lot of work to convince its constituency that it is serious and well meaning on the democratic agenda. To many observers, the whole renaming of the OAU to AU, the NEPAD programme and its African peer review mechanism carry no substantive meaning to address the concern of Samir Amil's dependency syndrome but are a conspiracy within Immanuel Wallestein's world system theory where the core owning the means of production is entrenching its tentacles to the periphery through the core of the periphery otherwise called the comprador class. There's a lot of double standards and dilly dulying on loans, grants, economic Aid, technological transfer, debt servicing, poverty alleviation, road map to democracy and many others between the two cores that would lead a normal and keen international relations follower to be justifiably suspicious of the real intentions.

CHAPTER THREE: THE FORMATION OF THE OAU: IT'S SUCCESSES AND FAILURES

In order to fully comprehend the on going transformation from OAU to the AU, it is imperative to highlight the major historical reasons and causes that led to the formation of the organisation of the African Unity. In general terms, the idea of the Organization of African Unity (OAU) was just a climax of the realization of the beginning of the successes of a concerted struggle of voices and actions to counter a grossly unfair and inhuman relationship that existed for centuries between Africa and other parts of the world notably Europe and America. It was the time Africans sought self determination to halt and reverse the political, cultural and socio-economic exploitation by the industrialized world with a view to winning human dignity and establishing a mutually beneficial relationship in the international system. It is so crucial for the world's young generation especially those of African origin to take stock of their cradle past not so much to mobilize vengeance on the part of perpetrators but more so to put the current state of affairs on the continent in perspective and give history due recognition. Africa is not underdeveloped entirely on account of its own choice to live under these nasty conditions for; no society could make such a choice in the face of viable options. Perhaps one is not misplaced to argue that no one is better qualified a recipient of this reminder than the managers of the industrial world who by implication manage the rest of the world whose words and actions carry with them the implication that Africa's problems are a creation of its own.

It might not be absolutely necessary to trace in detail the historical developments of the African Liberation struggle and the formation of the OAU particularly so in the presence of ample literature on the subject matter which a reader may consult with ease. However, it is extremely important to appreciate that Africa's underdevelopment is rooted partly in certain deliberate actions and policies perpetrated against the continent and its people by countries of the north during the last four centuries.[51] It is a history dating as far back as the 17th century involving merciless, violent attacks of African communities killing, incapacitating and capturing able bodied ones for the infamous slave

---

[51] Tsuma, *op. cit.*, p. 3

trade with memories of trauma and a conviction of defeat and hopelessness for those who survived capture and subsequently submitting to white rule perpetrated by Europeans and Americans for close to four centuries. It is a history of a direct consequence of a deliberate policy adopted by Europeans and jointly executed with Americans to degrade, depopulate, plunder and denude the continent for the benefit of Europe and America at the detriment of Africa.

3.1 Reasons behind the OAU Formation.

Prior to the self-determination campaign, Africa had fallen victim of the human trade where European imperialism with the use of superior organization invaded African communities and captured able-bodied and energetic people shipping them to European and American plantations as cheap labour. Besides the above objective, Africa was equally being identified and prepared as a major source for raw materials especially high value minerals like diamonds, gold, silver, tungsten, copper, iron ore, uranium and many others subsequently stripping the continent naked and looting it thoroughly of its human and mineral resources from the epoch of slave trade throughout the colonial era. This was done with impunity especially after the 1884/85 Berlin Conference that arbitrarily and forcefully partitioned African communities merging them into strange political units some of which have remained in conflict to date. It was thus immediately, during and after the execution of slave trade upon the African peoples that the roots were planted of a system of relationship dominated by dehumanisation and exploitation of the continent by Europe and the resultant plunder and neglect that secured it a place in the underdeveloped world. It is then that Africa's political, cultural and socio-economic systems were overrun and taken captive. It is then that Europe assigned itself the responsibility of usurping natural and social roles and chose to determine Africa's social life, deciding its education and training needs as well as the mode of production that was to remain dependent on the countries of the north as an ever recipient market for high value finished goods while Africans toil day and night in plantations and mineral mines producing for them raw and cheap unprocessed goods.

3.2 The TransAtlantic Trade

The transatlantic trade produced one of the largest forced migrations in the history of mankind between 1619 to 1830, where a contested ten to thirty million Africans were collected from their homes in the hinterland and forced to trek long journeys to the coast in record times with many dying and getting incapacitated during wars of capture, others dying due to long journeys, hunger, disease, wild animals as well as tear and wear. Some of those who made it to the coast were in most cases over-packed and suffocated on ships with thousands of bodies dropped into the sea while those who persevered up to the destinations mainly in Europe and America were subjected to all kind of gross human degradation and humiliation[52]. It has been estimated that of the 20 or so million Africans directly affected by this slave trade transactions, the mortality rate was estimated at 5% dying inside Africa mainly those who died during the hinterland transit to the coast with 13% dying in transit on the high seas while 30% died within 3 months upon arrival due to acclimatization and very poor living conditions thereof.[53]

Some analysts have further argued that the above estimates do not take into account of the millions of Africans who died during the warfare of slave captivity inside Africa, the direct combat casualties as well as those who got impaired due to the trauma of the merciless and brutal attacks that saw the capture or death of their dear ones. In many areas like West Africa, the African leadership suffered impositions of conditions coupled with modern weapon facilitation to invade and capture slaves in the neighbouring communities or kingdoms. They were compelled to cooperate and conduct such treacherous raids or else they stood to be taken captives in return. "They either had to raid or be raided." As a consequence, many Africans killed each other for the interest of Europe and America herein referred to as the North and ultimately, millions of Africans were shipped to Europe and America as slaves to provide free labour. As a sample, one of the major factors for the development of USA's Virginia state was the arrival of African slaves at James town in 1619 enhancing the production of tobacco in

---

[52] Schwab, *op. cit.*, pp. 10-15.
[53] Norman Coombs, *The Immigrant Heritage of America* (New York: Twyne Press, 1972), Ch. 2., "The Human Market of Slave Trade".

Virginia and Maryland such that by the early 18th century, the number of African slaves delivered to this North American region had risen to over 600,000.[54]

Owing to their immunity to malaria as well as yellow fever and owing to their skilled labour in agriculture as well as their proven expertise in tropical agriculture which was suitable for plantation agriculture, the demand for African slaves rose and were indeed delivered and used extensively in sugar plantations, diamond mines in Brazil, tobacco farms in Virginia, gold mines in Hispaniola as well as the cotton industry in the USA.[55] By 1638, the price tag for an African male slave was around US dollars 27 yet the salary of a European casual labourer was about 70 US cents per day.[56] The implication was that an African human being costed the equivalent of a twenty days wage earnings of a poor European in America.

David Lee, quoting Thomas Hobbes in the Leviathan says *inter alia* that man is a selfishly individualistic animal at constant war with others and that in the state of nature, life is nasty, brutish and short.[57] Indeed, such was the true experience of African slaves as they came face to face with the nature of man with life getting nasty and brutish such that once a free people literally turned into prisoners of a condemn section serving an unknown sentence for the unknown crime and ever required to work harder, whipped and branded as donkeys with no option to quit. In July 1640, one Virginia based slave named Emmanuel was convicted for attempting to escape and condemned to 30 strips of the cane and branded as a cow with letter 'R' on his cheek to reflect the "runaway" attempt.[58] In the case of America, slavery was governed by an extension of laws developed and executed from 1660 to 1860 where every slave state had its own separate slave laws and defined slaves as property usually in the same terms as those that applied to real estate.

Consequently, slaves being property themselves could not own any property or be a party to a contract of any transaction including marriage. In 1660, nasty and brutal laws that defined and regulated slave relations were enacted in Virginia and central to these

[54] Becker Eddie, "Chronology on the History of Slavery 1999", *Office of the Architectural History and Preservation at the Smithsonian and National Zoo.* URL: http://innercity.org/holt/slavechron.html
[55] Descoultilz M. E, "Flore Pittoresque et Medicale des Antilles", v. 4 Paris, 1883, URL: http://www.kurahulanda.com/site/museum.html
[56] Page Willie F., *The Dutch Triangle : The Netherlands and the Atlantic Slave Trade 1621-1664* (New York: Garland Publishing, 1997), p. 262.
[57] URL: http://www.sciencetimeline.net/1651.htm
[58] Junnicliff Hellen Honor, *Judicial Cases* (Carnegie Institution of Washington, 1926 & 1936), p. 77

laws were the provisions that prohibited inter racial marriages and that black slaves and children of black women were to serve as slaves for life.[59] By 1662, Virginia law had a presumption that Africans were to remain slaves and servants for life to the extent of being emulated by other states especially on the reversal of a common law legal presumption that a child's status is paternally determined. Accordingly, the New York[60] and the Georgia[61] laws literally allowed and facilitated the breeding of slaves through black women's bodies and specifically allowed slaveholders to reproduce their own labour force with such high breed slaves if they so wished. In the circumstances, a master was allowed to save the cost of buying new slaves by facilitating and personally supervising the impregnation of his slave by having any other person identified by himself to impregnate her.[62] In 1662 and 1691 Virginia enacted statutes prohibiting and punishing inter-racial sexual relationships[63] and inter-racial marriages[64] respectfully. In accordance with such anti miscegenation laws like Act XVI of 1691, the punishment for intermarriages of an English individual with a black or Indian was banishment and removal from Virginia for ever. It is worth noting that despite slavery having been de-campaigned and formally outlawed in the mid 19th century, slavery and its racial practices were still recognized in law statutes as late as 1967 when the Virginian anti miscegenation laws were overturned.[65]

Consequently, slavery was decampaigned at the international level on all fronts of political, economical, social, religious, or cultural with Africans from within slave communities, "freed" slaves as well as those Africans who remained on the continent leading the drive till it was internationally outlawed leaving behind its entrenched adverse effects on the black race and the continent generally.

---

[59] "Slavery in the United States", *Microsoft Encarta 98 Encyclopedia.* Microsoft Cooperation.
[60] 1706 New York Statute, p. 128
[61] 1755 Georgia Law p. 252
[62] See Paula Giddings, *When and Where I Enter. The Impact of Black Women on Race and Sex in America.* (1984), p. 37.
[63] Act XII of Va 170
[64] Act XVI Laws of Va 86
[65] See *United States of America Norwood vs. W. Barber C. R.* 92-10024, April 5th 1996.

3.3 The Partition of Africa and Colonialism

As if slave trade had not inflicted enough damage, Africa was yet to be the biggest casualty of the industrial revolution courtesy of the 1884/85 Berlin conference that arbitrarily partitioned Africa into European colonial territories. This partition literally subdivided peacefully settled communities and, effectively dismantled the economic progressive stages of Africa condemning the continent to the dependency syndrome exterminating any form of innovation from the African mind. As a consequence, even when black Africans regained freedom, they were still Africans with the taint of inferiority clung to them and not only did whites become conked of white superiority and black inferiority but also took steps and strove to impose those beliefs on the Africans themselves through organised training.

As for slaves, even before the Berlin conference, Americans and Europeans had agreed on a cultural imperialism of Africa where Africa's cultural values were discarded and pronounced barbaric and repugnant to civilisation. While Europeans moved to inculcate European cultural values in the African social fabric through Judeo Christianity, formal education and socialisation, the Americans chose to indoctrinate Africans by establishing the Tashkeej technical school as a guiding principle and methodology in deciding the type of jobs and employment, education and skill training as well as, deciding and apportioning the Africans mode of production.[66] In the minds of whites, the training, employment and mode of production of the Africans was just another benevolent and humanitarian gesture of uplifting just to a limited level conditions of an undeserved servant whose character had through formal and informal training to be structured based on five models namely:- strict discipline, a sense of own inferiority, a sense of white superiority and power, acceptance of the masters standards and finally but most devastating of all, a deep sense of his own inferiority, helplessness and the solution of dependence on the white man's solutions.

The whites identified spiritual guides in the midst of Africans and one such African a deputy in the French parliament cautioned his fellow Africans thus: You will

---

[66] Swynnerton Plan (Kenya)

accomplish nothing by defying the whites.[67] This the whiteman did by inculcating his own value systems into the minds of the African and indoctrinating him to despise his own history and culture thus disowning his own belonging and submitting to perpetual captivity. For example as for the nature and type of production and employment, an otherwise sympathetic European district officer in Tanganyika wrote thus:-

> The aim has been to promote coffee growing as a peasant cultivation each one working his plot by his own industry with the help of his women and his children so that a class of native employers is not evolved, or at any rate is restricted to a small number comprising only prominent persons and plantation of 500 (trees) may with careful attention to their cultivation give from shs 250 up to shs. 500 per annum which is as the ordinary native can make use of.[68]

In regard to formal training, colonial education reached just limited numbers of Africans restricted to elementary levels and its pedagogical and ideological content was designed to serve the interests of Europe rather than Africa.

Needless to say, it was the practical experience and realization of such retrogressive policies that many Africans all over the world joined the struggle and momentum seeking a unified voice against marginalisation through the formation of the OAU.

3.4 Panafricanism, the Creation of the OAU and Independence Campaigns.

Panafricanism is a collection of ideas and emotions that originated among descendants of enslaved Africans in the Western Hemisphere. The blacks of the diaspora slowly began to regard Africa as a distinct entity, which was a key step in the evolution of Panafricanism. The notion of Pan Africanism came to surface throughout the initiation and works of Henry Sylvester Williams, E. W. Burghardt Dubois, William Marcus Garvey and other leaders of African descent domiciled in the West Indies and the USA. Henry Silvester Williams a West Indian lawyer from Trinidad in full pursuit of earlier anti-slavery and inhuman treatment of Africans brought to surface the strategy of

[67] Sembene Ousmane, *God's Bits of Wood* (Garden City New York: Anchor Books, 1970), pp. 306-322.
[68] Dundas C.C.F., "Native Coffee Cultivation on Kilimanjaro", 12th May 1924, Public Records Office London, Cultural Office 691/70/379, as cited in John Ilife, *The Emergence of African Capitalism* (London: Macmillan Publishers, 1983), p. 37.

coordinating efforts by Africans through the notion of Panafricanism at the first ever Pan African congress which he personally organized in London in 1900 to discuss serious issues of dehumanising treatment of Africans as well as colonialism which had just been formalized at the 1884/85 Berlin conference partition of Africa.

Panafricanism was idealized in reaction to white prejudice and an attempt to formulate a model of reform for the present. It was an emotional outcry against the humiliations of slavery, discrimination and colonialism representing a demand for justice and reaffirming the blacks' dignity.[69] The African Identity and the journey for the creation of the OAU was neither a short nor facile one. It symbolized the complexities of political integrations in the science of human management for it involved the identification and formation of numerous opposing groups and alliances aimed at the same objective against marginalisation and won the attention and sympathy of the world leading to the eventual outlaw of slavery, the independence of some African States and the 1963 formation of the OAU laying the foundation against which the OAU militarily and diplomatically supported other colonised states to independence.

3.5 Ideological and Hegemonic Struggles against African Integration.

Around the period 1958-1962 several African countries attained independence and in 1960 the Saniquellie declarations of 1959 had been followed with a conference in Addis Ababa with fifteen (CIAS), countries in attendance but the failure to adopt the Saniquellie declaration as the basis of the conference discussion was registered again exposing serious divisions over the concept of an African political union. There were clear sharp differences between those nations led by Ghana and Guinea, which sought to establish the African unity on the basis of firm political integration against those countries led by Nigeria and Liberia which preferred only a platform of coordination for common objectives by all African independent countries but retain individual state sovereignty.

The Addis Ababa CIAS Conference was not only a reflection of the Nigeria led functionalist rejection of the Ghana led federalist option of African unity but went further

---

[69] Walraven, *op. cit.*, p. 86

to personal and state differences as exemplified by the Nigerian delegation's slimly veiled and rude attack on Nkrumah in absence that,

> "If anybody makes the mistake of feeling that he is a messiah who has got a mission to lead Africa, the whole purpose of Pan Africanism will ... be defeated. We all can recall what Hitler thought and did in Nazi Germany and what that meant to the whole world."[70]

The Nigeria led view was also backed by The Pan African Movement of East and Central Africa (PAFMECSA) with its touring leadership of Julius Nyerere and Tom Mboya who challenged the dominant positions of Nkrumah and Sekou Toure and equally supported the view that continental unity be achieved gradually.[71] The attainance of independence by many countries in 1962 created many more political actors and instead served to strengthen the fluidity and nervousness of interstate relations than before 1960. The friendly political atmosphere that had picked momentum in the late 1950's was easily soured by the two volatile and sensitive incidents and misunderstandings over the war of independence in Algeria and the decolonisation of Belgian Congo.[72]

There were differences on the approach to colonial France over some French speaking countries meeting in Brazzaville, which preferred a moderate approach while the rest of the states of the Casablanca conference termed the radical group preferred a tougher militaristic approach. In addition, there were vivid differences and disagreements over the recognition of opposing political groups and camps like those in Cameroon, Mauritania and Belgian Congo where the difference between independence prime minister Patrick Lumumba and the president Joseph Kasavubu themselves divided along differences of colonial powers and the cold war proxies threatened to plunge the entire continent into a civil war and with it the collapse of the whole concept of an African union. During the Belgium Congo crisis, different African states, anti-colonial alliances, European powers as well as cold war blocs poured troops on different opposing sides of the crisis and these included *inter alia*:- Mali, Egypt, soviet Union, Belgium, Guinea, Morocco, Tunisia, Sudan, Ethiopia, Nigeria, Liberia and Ghana representing a

---

[70] Walraven, *op. cit.*, p. 102
[71] *Ibid.*, p. 99
[72] *Ibid.*, p. 101

classification of namely the radical, moderate and conservative camps relating to the ideological views of group alliances.

The Casablanca and Brazzaville groups differences intensified with the latter frustrating the African Political Union objectives by forming rival interstate organisations such as Union Africaine et Malgache (UAM), Organisation Africaine et Malgache de cooperation economique (OAMCE) and Union Africaine et Malgache de Defence (UAMD). Out of the division concerns, Nkrumah once remarked that some of African leaders were not well meaning for the African cause. The remarks by Nkrumah were obviously not well received by leaders from the conservative and moderate alliances as it meant by implication that all might be Africans but some were better nationalists than others. Nkrumah is quoted as having said:

> "Let the leaders take note that among the masses of Africa
> there is a great moral and spiritual force which will overwhelm
> the traitors of Africa and their colonial masters alike in an
> angry avalanche. As I have stated before, the handwriting is
> written in blood for all to see."[73]

The rift between the various African blocs rotated on the fundamental disagreement as to which objective and interest inter-African cooperation usually paraphrased as "unity" should be directed. In the totality of Nkrumah's thinking, African peace was indivisible against the onslaught of neo-colonialism for which the continent needed total defence, total freedom and thus total union.[74] On the other hand the Brazzaville countries propounded an inward looking conception of unity, very defensive to the political status quo of the time preferring to cooperate in diplomacy, communications, economic and other technical matters.[75] Nkrumah on the other hand continued to advocate for a fully-fledged union of African states with a union involving an African common market, common currency, monetary zone, central bank, a united defence command, united foreign and diplomatic policy, a continental parliament comprising of the lower deliberative body based on population representation while the

---

[73] ibid.
[74] Nkrumah K., *Neocolonialism: The last Stage of Imperialism* (London: Oxford University Press, 1965), p. 59.
[75] Walraven, *op. cit.*, p. 115

upper house would have the equal representation of every state.[76] In response and as a clear exposure of the political union spirit failure, the Brazzaville group counter-manned Nkrumah's proposals by explicitly stating that, "respect for sovereignty, equality and non-interference in internal affairs should be the cornerstone of Africa's new political order".[77]

Analysts of all these seemingly irreconcilable conceptual camps argue that the Brazzaville group was basically hostage to its subordinate alliance with France and was obsessed with loosing the pleasures of sovereign power. On the other hand the Casablanca group went too militant in the pursuit of its objectives. It was a unitarist idea that failed to differentiate between regions, underestimated the multiple roles of states in foreign affairs and over-politicised the meaning of every other incident on the continent.

Despite the benefits of Africa's joint forces command spirit of the defence against foreign influence and its objection to foreign power defence pacts, the francophone countries saw it as a threat and quickly signed defence pacts with France and hosted French military bases which Nkrumah referred to as making those countries' independence questionable with traits of Neo colonialism.[78] The concept of neo-colonialism inflicted further insult to injury as it implied that some states were in theory independent but in reality directed by the west, thus touching on the political legitimacy of respective state elites.

The disagreements over the role of non African and their influences persisted creating a dilemma that exposed the absence of an hegemonic influence on the continent to panel beat member states into the hegemonic stability theory of public good. It later uncovered that the disagreement on the continent's leadership was not only limited to the known blocs and alliances but that it had trickled down respective blocs themselves and even within sub regions with misunderstandings between many would be brotherly and friendly states such as between Ivory Coast and Senegal, Morocco and Egypt.

Mediation initiatives by the Monrovia group of Guinea, Nigeria, Ivory Coast and Ethiopia through a series of interstate visits revived warm relations between the Brazzaville and Casablanca alliances but the last nail in Nkrumah's isolation box was by

---

[76] Nkrumah, *Africa Must Unite. op. cit.* , p. 21
[77] Walraven. *op. cit.* , p. 116
[78] Nkrumah, *Africa Must Unite. op. cit.* , p.174

36

his long term friend Sekou Toure of Guinea who said that unity should not imply that it was formed around one state or president. From then on, Ethiopian president Haille Sellasie took centre stage and intensified diplomatic efforts to reconcile parties and by January 1963, thirty-one states had accepted Ethiopian invitation to Addis Ababa for the Africa reconciliation conference set for May 1963. The African foreign ministers preparatory conference convened and prepared the agenda for the heads' of state summit but with its own share of disagreements.

Fifteen countries submitted separate agendas some specifying new subjects. While Ghana's agenda sought to discuss the creation of a "Political union of African states," Somalia wanted a discussion of its territorial conflict with both Kenya and Ethiopia. Uganda sought a discussion of equitable representation in international organizations just as Liberia sought a discussion on the African development bank and a common market while Sudan proposed the creation of a liberation fund, the facilitation and provision of military training to liberation movements as well as the removal of foreign military bases. Finally, the Ethiopian interim agenda was adopted as the working paper. When serious business began, it was evident from the wording of the ministerial statements that serious gaps still existed on the type of African unity being sought and the Casablanca, Brazzaville and Monrovia divide were once again at play occasionally with subdivisions even within blocs. While Ghana spoke of a powerful united Africa with a strong unity and not a "mere cooperation" several other countries talked of a liberation from neo-colonialism and almost more less sought to avoid the word African unity and in particular the term "Union".

Algeria opposed the immediate formation of a union of African states in favour of an inter-government structure. Mali spoke of a "Most modest enterprise," Guinea talked of a minimum programme "acceptable to all" based on "African realities." Cameroon explicitly stated that "African unity cannot at present be based on anything else but on Africa of states." Niger emphasized egalitarian cooperation, mutual respect and non-interference thus laying to rest Nkrumah's dream of the Great African Union. Even after the burying of the union concept, delegates had problems and lost time and temper on the wording of the African Charter. Indeed it has been argued by several scholars that the hot temperedness of the then Nigerian foreign minister Wachuku denied Nigeria a

convincing and influence leader opportunity in the context of regional and international relations and the benevolent versions of hegemonic stability theory.[79]

An evaluation of the ministers' conference shows a rather tedious success in bringing together the Casablanca, Monrovia and Brazzaville factions at least to appreciate the need for African cooperation and set the stage for the Heads of States Summit.

3.6   Creation of the OAU

In the Ethiopian capital of Adis Ababa, Heads of state, leaders of governments and the African Liberation Movement started arriving for the inaugural summit on 22nd to late evening of the 24th.   Among the many heads of state and governments as well as liberation movement leaders who attended the historical conference included Ahmed Ben Bella –Algeria, Amadou Ahidjo – Cameroon, Joseph Kasabavu – Belgian Congo, Haile Sellasie-Ethiopia- Sekou Toure –Guinea,Yameogo,William Tubman – Liberia, Kwame Nkrumah- Ghana, Julius Nyerere- Tanzania, Sir Abubakar Tarefa Balewa-, Gamal Abdel Nasser- Egypt, Milton Obote-Uganda, Habib Bourguiba- Tunisia, Leopold Sedar Sengor- Senegal, Jomo Kenyatta -Kenya. With so many other eminent Africans of the time like Oginga Odinga, Joshua Nkomo, Edward Mondlane, Kenneth Kaunda, Holden Roberto, Jonas Savimbi, Robert Mugabe, Oliver Tambo, Sam Nujoma and others.

Haile Sellasie in his moving and authoritative speech said that the conference could not close without adapting a single African charter and added *inter alia*, "If we fail this, we will have slurked our responsibility. If we succeed then and only then will we have justified our presence here." Speaker after speaker emphasized the need for the charter and African cooperation with president Yameogo claiming that the first African super atomic bomb was about to burst in Addis Ababa in the form of African unity for the benefit of Africans detrimental to colonialists.

With the exception of Kwame Nkrumah and Milton Obote who preferred and publicly called for a supra-national unification (political union) all the others favoured a flexible minimal structure and a gradualist conception of Pan African cooperation. They re-emphasised sovereignty, non-interference, peaceful settlement of disputes in addition

---

[79] Grunberg I., *Exploring the Myth of Hegemonic Stability in International Organisation* (1990), p. 452.

to condemning subversion and hegemonic aspirations in inter-African relations. The decolonisation moving speech of the Algerian Ben Bella talked of the readiness of Algerian volunteers and the need for an African blood bank to die a little more for the people still under colonial domination.[80] However, the name of the unity was later to re-infect some cold blood amongst the states and the major obstacle was to convince president Tsiranana of Madagascar to drop his demand for the inclusion of the word Malagasy in the name of the organization for he had argued that without mention of his country, it would imply his Indian Ocean Island state would not be part of Africa.

Convinced by Sekou Toure that in the offing was a continental not a racial union, Madagascar gave in but on condition that the charter specifically stated that the organization shall include the continental African states, Madagascar and other Islands surrounding Africa. Even after the Madagascar hurdle, Nkrumah objected the name organization of African states (OAS) and preferred Union of African states on the ground that its acronym OAS would be similar to that of the armed group of white Algerian settlers thus, "Organisation de l'armee serete." President Hubert Maga of Dahomey ostensibly acting on Nkrumah's plan B, came with the winning name and title of "Organisation de L'unite Africaine" (OUA) whose English translation slotted in by Liberian Tubman was "Organisation for African Unity" (OAU), but advocated for a slight change to organization of African Unity (OAU) on the ground that in the former case, organization "for" meant the mere institutionalisation of an existing "organic" unity while in the latter case lied the suggestion that the OAU was still striving to realize such unity. Some analysts have come to agree with Tubman that perhaps he had the most representative and realistic reading of the situation at the time and ahead mainly because the much publicized unity has remained elusive for decades and light is not yet sighted at the end of the tunnel.

After the agreement on the name Organisation of African Unity, the charter was finally adopted on 25th May 1963 marking the formation of the OAU with a provisional secretariat in Addis Ababa while Dar-es-salaam was proposed headquarters of the African liberation movement's coordinating committee with Ethiopia, Algeria, Guinea, Congo, Senegal, Uganda, Nigeria, Egypt and Tanganyika as its members while the

---

[80] *Le Monde Paris* 26/27th May 1963.

naming of the first secretary general and the permanent OAU headquarters were postponed to the next general assembly sitting in July 1964. On the face of it, an evaluation of the OAU formation efforts highlights a few things namely that, OAU represented a new patterning of inter-African states politics with interest groups adapting lobbying skills across traditional blocs. Secondly the OAU managed to officially and formally do away with factions at least formally and institutionalised a presumably single voice body.

The OAU formation had gone beyond the creation of a continental regime to creating an intervening variable between the continent's actors and for once, African states were beginning to adapt Pan African norms in inter-state behaviour crucial for foreign policy calculations.[81] The adoption of the African region group alliance at the UN was farther testimony of the gradual growth of African cooperation and the wise desire to solidify the African voice but also cut down costs in relations transactions.

OAU Institutions

Under the provisions of article seven of the charter, four principal institutions were created being:-

- The assembly of heads of state and government
- The council of ministers
- The general secretariat
- The commission of mediation, conciliation and arbitration

All organs had various roles under the charter but the general assembly which composed of heads of states and governments met annually and was the most superior policy organ followed by the council of ministers. While it had powers to discuss general matters of common concern to Africa, its deliberative powers were severely restricted by provisions of article 3 (2) about non-interference in each others internal affairs and the irregular annual meeting only served to exacerbate the situation.

---

[81] Krasner. S. D., ed., *op. cit.* . pp. 355-368.

3.7   OAU Achievements

Although the African supreme continental body suffered some serious divisions amongst its members mainly based on ideological and strategic divide, its long sustained moral, verbal and active decolonisation campaign contributed tremendously to the final dismantling of colonialism and apartheid on the continent. On the overall, apart from the OAU daily operational perseverances, the OAU made outstanding successes in the following areas: the creation and expansion of the OAU from a 32 independent member states to 53 members was an outstanding achievement in the continental history, thus explaining the OAU decolonisation success. The OAU through its liberation coordinating committee despite severe limitations conducted a good anti-colonial campaign. Its use of both the diplomatic and military options proved successful with the eventual independence of Portuguese colonies and above all the defeat of apartheid in south Africa and the liberation of Africans to majority rule in south Africa since 1994.

The OAU despite structural impediments and ideological differences that created internal divisions within the continental body had a good management of territorial conflicts within member states such as those between Uganda and Kenya, Morocco and Mauritania, Somalia and Kenya and in general terms successfully managed and in that respect won itself the credit of being a peacemaker amongst its membership. The organization was also successful in the defence of the territorial integrity and independence of its membership. This was exemplified in its opposition to the Israel attack of Egypt in 1967 as well as providing material and moral support against Portuguese colonialism.

On the diplomatic front, the defeat of apartheid ranks high in which the OAU did a commendable mobilization job both inside and outside the continent to win international sympathy and support against apartheid till in 1990-1994 when apartheid surrendered to majority rule. While considerable success was registered in the cultural and socio-economic sector, the magnitude of success in low politics spheres did not match with the high politics victories. However, the continental body registered some positive steps in the economics, transport and social development spheres. The organization, besides interfacing in IMF and World Bank programmes did a lot in

sounding out the unfair terms of trade in the international system causing the international monetary regimes to revisit some of the extreme economic policies like Structural Adjustment Programmes (SAP). The creation of the African development bank and the projects funded thereof especially in the infrastructure emphasises OAU's attempts to address low politics areas despite resource constraints.

OAU succeeded in mobilizing its citizens about the importance and relevance of education, its main failure having been to guide the member states on the most appropriate education of science and technology. While the OAU management of refugees was not a successful story, it's credited for its establishment of a bureau for the placement and education of African refugees. Besides the above, the OAU convention on refugees improved the status and asylum rights of refugees putting an end to the rejection and expulsion of refugees across the continent.[82]

3.8 OAU Failures

The organisation's failures start from within its very roof the Secretariat - it had staff who possessed no power of enforcement against the member states and the best they did was to engage in unending dialogue and begging. Other bottlenecks at the secretariat included limited project funding, modest remuneration, poorly qualified personnel, administrative irregularities, limited promotional prospects, indiscipline, ill equipment and general low morale among others.[83]

Another outstanding policy failure was the political and economic sanctions strategy against South Africa and Portugal. In addition to denying over fly rights to those countries' aircrafts and any other communication,[84] the OAU prohibited imports there of. However, these measures served more as public relations than their initial purpose for a number of reasons: Most resolutions relating to economic sanctions legally and procedurally required prior UN authorization.[85] To the front line states, while agreeing with the OAU was the fashionable thing to do, practically it was a little difficult

---

[82] OAU Convention of Refugees, Art. 11.
[83] Walraven, *op. cit.*, p. 175
[84] OAU Summit Conference Proceedings, *Resolution on Decolonisation* v. 1 sec. 1, paragraphs 8-9
[85] UN Charter, Article 53 (1).

42

especially given that most of them had deep rooted economic ties with the apartheid regime[86] to the extent that during the extraordinary session of the African council of ministers, the Secretary General confessed that sanction measures had "hardly been carried out in practice.[87]

It has further been argued that if there is one area where external factors impinge on the functioning of a regime of relatively weak actors, it is economics. In other words, the African state's dependence on the western world left them little room to exercise their conscious and choice. Countries neighbouring South Africa supposed to be the key implementors of the sanctions were themselves dependant on the South African economy. As a natural consequence, they were the prime violators of the sanctions castigating and dining with apartheid during the day and night respectively. Malawi later went full blast with the minority regimes of South Africa and Rhodesia including establishing full diplomatic relations with Kamuzu Banda arguing that the relationship was no sign of apartheid approval but reflected the reality in development matters since south Africa was there to stay and that Malawi was doing in broad day what others were doing in darkness. Countries like Botswana had become adamant on the OAU sanctions arguing that given its position, it could neither cut links with South Africa and Rhodesia nor afford to harbour guerrilla movements in view of its geographical, economic and military vulnerability. Later, the OAU re-considered the practical seriousness of the historical and geographical circumstances to allow members like Botswana, Cape Verde, Lesotho and Swaziland to have some degree of relationship with the apartheid regime.[88]

Perhaps the OAU failure to guide its membership on the management of internal political order in the respective member states and inter-state relations stands high among the failed missions of the organization. Relatively cheap issues like the different opinions on topical issues and personal disagreement between leaders have often ended up with bloodshed at the two nation's frontiers. Their own charter emphasis on non-interference not withstanding, the leaders have often engaged in subversive activities against each

---

[86] Cervenka Z., *The Unfinished Quest for Unity: Africa and the OAU*, (London, Oxford University Press, 1977), p. 113.
[87] Lagos Conference, 9th December 1970, ECM/2 VII Parts 1-2, pp. 6, 14.
[88] CM/Res. 734 XXXIII

43

other harbouring and facilitating rebellion in the neighbourhood, occasioning blood shed, civil strife and economic stagnation.

3.9 Misconceptions

From a conceptual point of view, the OAU disarmed itself and its membership from managing conflicts as the charter provided for non-interference in each others affairs. It was not until the 1990s that it started considering more humanitarian intervention in African conflicts. Indeed the commission of mediation, conciliation and arbitration (CMCA) was never put to test as most members preferred to have their disputes settled elsewhere for it was alleged, the CMCA was too independent and neutral with lack of leverage to do a good job.[89]

The major weakness with OAUs conflict management basically sprang from its misconception of the international law provision of sovereignty and non-interference in particular. The non-interference norm under article 3.2 of the OAU Charter stood in opposite direction with its similarly intended article 4(7) of the UN Charter. In normal international law practice, the reserved domain of "domestic jurisdiction" here in called "internal affairs" concerns those areas where a state's jurisdiction is not bound by international law. The evolution of international law determines and limits the extent of state's internal affairs and its rights to oppose international concern by reference to that concept. However, under international law "interference" or intervention refers to an intrusion without a state's consent in its domestic jurisdiction and also involving an activity amounting to a denial of its independence. In the circumstances of the OAU Charter, discussion of or adoption of resolutions concerning states internal affairs constituted no interference.[90] In the event, the practice of the OAU about its article 3.2 on non-interference, literally meant that if so absurdly construed as was mostly the case, the organization was not only prohibited from mediation and conciliation efforts but was not even entitled to talk or discuss such events between or within member states against the will of the affected member states!

---

[89] Walraven, *op. cit.*, p. 275
[90] Ian Brownlie, *Principles of Public International Law* (5th edition, Oxford University Press, 1998), pp. 291-295.

Another conflict management related failure as evidenced by the Congo and Nigerian civil wars was the misconception by African regimes that any mediation by the OAU in the internal affairs of any of them implied that such government could not handle its own affairs.[91] This often resulted in the continental body keeping away from its supervisory roles and thus exposing Africa's lack of cohesion and direction presumably due to the absence of a hegemonic power. It came as no surprise therefore, that the OAUs subsequent silence on the many internal conflicts, indifference towards ethnic strife, violence, the disregard of persecution, gross human rights violations and the suppression of civil and political rights was climaxed in the unprecedented 1994 Rwanda genocide.

This followed earlier cases where the rulers unleashed terror with impunity as registered by the military juntas in Uganda under Idi Amin, Central African Republic under Jean Bodel Bokasa and in Equatorial Guinea under Macias Nguema. The gross human rights abuses climaxed to crimes against humanity to the extent that some of the African states like Botswana and Tanzania were compelled to break the norm of non-interference and sounded out their concerns in 1975 by accusing the OAU of a "conspiracy of silence" with respect to human rights abuses adding that the OAU hypocrisy had caused it serious damage.[92]

After the deliberate massacre of school children by Bokasa in central African republic, Tanzania, Nigeria and Ghana ignited the argument that the non-interference norm in the charter was a subject of abuse by dictators who demanded African collective silence over their human rights violations so as to retain their hold on power, and sought to have the charter revisited to provide for protection of human rights.[93] In one of the many disgusts and disapproval of the role of the OAU and the UN, when Idi Amin was exterminating Ugandans, the OAU kept silent and Anglican Bishop Festo Kivengere observed that:

> The OAU silence has encouraged and indirectly contributed to the bloodshed in Africa. I mean, the OAU even went so far as to go to Kampala for its summits in 1975 and make Amin its chairman. And at the very moment, the heads of state were meeting in the conference hall, talking about the lack of human rights in Southern

[91] Walraven, *op. cit.*, p. 306
[92] *Daily Mail,* Sierra Leone, February 19, 1977.
[93] *Daily News,* Tanzania July 19, 1979; *The Ghanaian Times*, July 21, 1979; *Daily Times*, Nigeria July 24, 1979 and *Times,* Zambia July 19, 1979.

Africa, three blocks away, in Amin's torture chamber, my country
men's heads were being smashed with sledge hammers and their
legs being chopped off with axes.[94]

However, despite his well known reign of terror and slaughter, at the UN, Amin addressed the general Assembly on Oct 1st 1975, and called for the expulsion and extension of the state of Israel which was honoured with a standing ovation and a public dinner in his honour by the UN Secretary General the following day![95]

These atrocities and their abuses intensified the need for an African Human Rights Charter such that by 1986, the African Charter on human and peoples rights was already in force however, its flaws remained that while human rights violations were to be dealt with by an independent commission of jurists, they were denied judicial powers and reduced into a research desk for the very busy and legally uninformed general assembly to take the final decision and the politics of conspiracy has always been at the centre stage in the evaluation of human rights abuses especially on the first generation rights of civil and political rights where the majority of heads of states are potential respondents of suppression of political opposition. It was after the climax of civil wars in Liberia, Sudan, Ethiopia, Rwanda and Mozambique in the 1990s and the worsening security conditions thereof that the assembly arrogated domestic conflicts to its area of competence and restricted the interpretation of the non-intervention norm bringing about a shift in the concept of OAU conflict management. In these 1992 reform proposals, the Secretary General while acknowledging a blackout as to the point of entry in interventions, argued for OAU's right to intervene in situations involving a total breakdown of law and order, attendant human suffering and regional spill overs but even these proposals were never wholly endorsed since they were subjected to the decision of the assembly bureau which also was subjected to the consent of disputants.

The final decision taken in 1993 was that the OAU had the right to intervene in conflicts marked by severe human sufferings as well as the collapse of the state. The irony of this is that the African individual or family especially the members of the opposition political class across the continent were abandoned and left to cater for own

[94] Lamb David, *The Africans* (New York: Random House, 1984), p.106.
[95] George B. N. Ayittey, *Africa Betrayed* (New York: St. Martin's Press, 1992), p. 121.

security little wonder that civil wars increasingly became the only sure way of an opposition politician's personal security because the processes and costs of awaiting evidence of a wide scale violations to qualify for attention were not practically facile.

In the premises, without consolidation of more open, transparent and broad based systems of government that permitted a free political environment, guaranteed human rights and the rule of law for the necessary checks and balances, and where the OAU chose to dilly dally with terminologies over people's enjoyment of civil and political rights by making reference to the defunct realism theories of sovereignty, allowing those oppressive regimes the right to determine their own system of democracy,[96] armed rebellion and the resultant calamities were the inevitable consequences the OAU ought to take responsibility for. Relatedly, in an attempt to consolidate the African democratic path and standards, the OAU Secretary General Salim Ahmed Salim, advocated for participatory democracy, freedom of the press, enjoyment of democratic rights, accountable government, the rule of Law and a guarantee of universal elements of democracy[97] demanding a more role for the continental body than the lopsided role of dispute settlement.

3.10 Common Defence System

The initial idea for a collective defence security as expounded by Nkrumah's view of the continental military force and its high command though defeated for selfish reasons remained an option to many states as evidenced by the creation of a plenary defence commission only that rather than promoting the continental order most statesmen living true to the realism school of thought which derogates defence alliances and cooperations,[98] preferred bilateral defence arrangements than the continent security order. It is not in dispute that the failure of a collective OAU security was missed in the various

---

[96] AHG. Decl. I XXVI, *Cameroon Tribune*, July 13, 1990, *L'Essor Mali*, July 21-22, 1990
[97] Dr. Salim Ahmed Salim, "OAU at 30, Reflections on the Past and Prospects for the Future" (Public Address, Africa Hall, Addis Ababa, 25th May 1993).
[98] Herz J. H., *Idealists, Internationalism and the Security Dilemma; World Politics* (January, 1950), pp. 157-172.

47

wars across the continent involving Congo, Tanzania, Uganda, Chad, Mozambique, Burundi, Rwanda, Eritrea, Ivory Coast, Sierra Leone, Liberia, Somalia, Angola, Congo Brazzaville and others.

3.11 OAU and Its International Relations

Right from its creation, the OAU had harboured the ambition of a greater global influence and the desire of its elites to rub shoulders with counterparts - rated high among its leadership dreams. The struggle against colonialism and apartheid was rooted and engineered by this international endeavour of equality and OAU did so well in the exposure of colonialism and apartheid however, what was not related and appreciated by the African leadership was that the civilised management of domestic affairs including the management of its conflicts had a fundamental bearing on its global influence.

3.12 Deprivation and Vulnerability

Back at the mind of Africa's elite in regard to Africa's international performance was the inner feeling of deprivation on a double edged front of racial vulnerability and an inferiority complex driving into their minds, the continents potential on the one hand and its impotence on the other. Most governments of all inter-African groupings, practically without exception indicated their awareness of the imbalance[99] in the global configuration of power invoking references and terminologies like "enemies of OAU" or "OAU ill wishers" and "Prophets of doom." implying a realization of an inner weakness, which, regularly gave Africa a bad start in many of its international undertakings because it bargained from a resigned mentality of a weak party.

---

[99] Walraven, *op. cit.* , pp. 348-351

3.13 Ideological Weaknesses

Ideologically, Africa failed to agree as to how it wanted to take advantage of its collective voice. Some of its leadership preferred both an internal and external African union that would have given it the much-preferred single and vibrant voice. Other leaders emphasized sovereign entities that had to form a diplomatic regional bloc at the UN and its agencies more particularly in the influential Security Council and the General Assembly. However, while all the factional state groupings did agree on the basic threats, potential and objectives of the African continent, they found no formula to overcome their petty divisions which were founded in their major weaknesses of the failure to harness strong democratic institutions. This denied them the strong common foundations for collective bargaining whose other necessary features like a single solidified continent of a recognizable geographical unit, and a population had already been placed at Africa's dining table.

What was practically happening was that at the UN, Africa chose to form a regional bloc whose leverage was not practically portrayed as most of the countries would in most cases be engaged in inter-state conflicts or in acts of subversion against each other with so many cases from and against would be allies tabled before their host the UN thus, seriously weakening Africa's international posture. The unifying opportunities of a common history, culture, the human and material resources and the fact that the OAU encompassed a whole continent of a physical geographical unit was never taken advantage of either as a power among equals or as a competent neutralizer of international affairs given its irreplaceable uniqueness.[100]

The OAU which had earlier been portrayed as an instrument of survival and salvation[101] of the continent was ultimately seen as a flop and a bystander in the international system.

---

[100] *Le Soleil*, Senegal, November 11, 1983

[101] *East African Standard*, Kenya, July 24, 1978 and *L'Essor*, Mali November 21, 1966

3.14 OAU and the UN

Despite the below average performance as a whole, the OAU is credited for having mobilized member states for the strategic regional bloc at both the UN and European Union agencies. The OAU was able to form caucus groups in New York, Brussels and Geneva to portray and deliver a common Africa voice the only shortcoming being that this common voice was always on flimsy and less-serious strategic issues.

The failure to realize unity back home mainly due to the absence of democratic values undermined the very foundation for external relations and would occasionally feature even at the New York, Brussels and Geneva missions. Indeed pursuit of self esteem ambitions, and not necessarily Africa's geo-political strategies was exemplified when in 1978 Nigeria out manoeuvred the rest of Africa and got elected to the UN Security Council against the OAU preferred candidate.[102]. As a result, while Africa was winning greater achievements at the UN, the degree of collective influence generated had been insufficient to halt and reverse the continents marginalisation in world affairs for rarely does multilateral diplomacy alter the global balance of power. The existing gap and lack of African leverage has mainly helped to further convince the African teams and states that till Africa became democratically and economically stronger, inequalities in the UN system would not be addressed.[103] It was reaffirmed that the issues of African unity and the OAUs global influence were essentially economic and that need for Africa's integration was the most viable route for Africa's weight in the global order.[104] The realization for Africa's economic and political integration has however been betrayed by egoism and self aggrandisement of leaders and the absence of hegemonic direction along with the lack of cohesion and unity of purpose. While OAU member states talked of collective economic programmes, some like Ivory Coast, Nigeria, Morocco and Egypt developed more close ties with the west than they did amongst sister African nations to the extent that Morocco and Tunisia applied to join the European Union without due regard to its implications to the whole of Africa.

---

[102] Amate, *op. cit.*, pp. 200-202
[103] *Daily Times*, Nigeria, July 20, 1985
[104] *Daily News*, Botswana, June 23, 1972

CHAPTER FOUR: TRANSFORMATION PROCESS FROM OAU TO AU

Four decades after attaining independence, Africa is not only the largest regional sub system in terms of territorial size and number of states but is also the least industrialized and one characterized by inequality and instability.[105]The continent's colonial inheritance of "dualistic" economies, authoritarian regimes and high levels of ethnic and racial consciousness is not an advantageous one, but one that classifies it as the most marginalized at the extreme peripheral, exploited and expropriated. At the double jeopardy receiving end of both the internal oppressive political systems as well as the global economic imbalance, lies the typical African in the center of political and economic conflicts, with human socio-economic activities of production and development virtually stalled.

Consequently, at the heart of an African dilemma is an inexorable economic decline, drop in per capita incomes, rapid increases in production, loss of export revenues, the curtailment of foreign investments, food insecurity and lack of basic human needs.[106] upshoting in untold misery

4.1 Conditions and Reasons for Transformation

For the greater part of Africa, close to 70% lives on peasantry Agriculture but of greater salience is the fact that for a continent in which 70% of its labour force thrives on Agriculture, the continent is not self-sustenance in food. This part of the economy just like others is among the continuing casualties of the far-reaching implications of colonialism. The colonial agricultural policies including agricultural training were not designed for the local agricultural development but for an external agricultural system. The situation has also been exacerbated by the total misrule and socio-economic mismanagement by the leadership. It's those very ambiguities and contradictions in the past and of the present that characterize the current political economy of Africa. It is an inequitable environment that places the African in a highly vulnerable quagmire of

[105] Leon Gardenker, "The OAU and the UN: Can they live together?" in *Africa in World Affairs: The Next Thirty Years* by Ali A. Mazrui and Hasu H. Patel, eds., (New York: Third Press, 1973), pp. 105 – 119.
[106] Tsuma, *op. cit.* , p. 2

political and economic captivity as exemplified by the continued inability to meet basic human needs hence the African Political and Socio-Economic Crisis.[107]

With a continued fall in human conditions portraying no sign of practical solutions and mainly under an indifferent and arrogant leadership, unwilling to enter dialogue on equal terms, armed rebellion and war became to be adopted as the most appropriate mode of communication between the incumbent leadership and the political opposition across the continent. Faced with such political and military pressure, many leaders took a realist approach to political power allowing no creation of a friendly atmosphere for genuine political consensus building and competition. Unfortunately, a selfish assumption was developed into a culture that the African leadership is not politically challengeable or else such a challenger is blamed by society as a trouble causer.

To most African leaders, ascending to a political and civil service office became an "arrival" and a sealed attainment of a permanent job not subject to evaluation and fair competition. For decades, Africa has failed to sort out the question of how leadership evolves such that leaders see themselves as immortal subjecting the country's fate to chance in the event disaster strikes. Those who seek an alternative political programme to address the underlying political and socio-economic issues or at least provide an alternative leadership are regarded enemies of the state and allegedly constitute a threat to national security. It has become fashionable for the African elite to link even the most law abiding but organized political grouping and particularly its leadership to armed rebellion to politically discredit the leadership but more so win the sympathy of the innocent and unsuspecting nationals as well, as maneuvering to win international acceptance and the rejection of the political opposition leadership by attempting to link it to terrorism or a military coup.[108]

The disenchantment of the African people by their leaders has been an on going scheme since the early 1960's. While colonialism had unleashed injustices to the natives it has been more painful for the same injustices of exclusions and related abuses to be committed by those who had been entrusted with the leadership of the struggle against

---

[107] Timothy M. Shaw, "Towards a Political Economy of Regionalism in Africa", in *The future of Regional Integration in Africa* by Onwuka Ralph and Sesay A., (London: McMillan Publishers, 1985), p. 8.
[108] Sudanese Opposition leader Hassan Ali Tourabi accused of attempted coup. March 2004.

unfairness. These leaders have always chanted democracy and power to the people only to end up declaring themselves life Presidents or behaving in a way that excludes others from fair competition and literally refuses to give the people the real power or any opportunity to remove or replace them in leadership. Through the various manipulations of the fraudulent democracy, they turn the office of the presidency into personal property[109] where any attempt to replace or remove them even through a fair competition is branded imperialistic, a neo-colonialists plot and of late terrorism. To most regimes, the state is under constant threat and Burton had advised them wisely that:

> There's probably no greater common factor in all thinking on international relations than the assumption that states depend for their existence upon power and achieve their objective by power thus making the management of power the main problem to be solved.[110]

Accordingly, Governments for many justifiable and unjustifiable reasons resorted to expansion and the equipping of their armies to the detriment of other socio-economic sectors. The agricultural and industrial sectors suffered neglect. Tax rates are raised out of no meaningful production but merely on imports deepening the economic conditions of the already impoverished communities. As a consequence, human living conditions tend to deteriorate at the national, community and family levels. Tensions between the leaders and the led heightens and a natural sense of insecurity usually develops around the regime leadership interpreting every opposition's move, action and critic as ill intentioned and intended to destablise the state with many leaders resorting to Nicolo Machiavelli's[111] advice in the "prince" that:

> rulers need to adopt moral standards different from those of the individual to ensure the states' survival. That the state should be concerned with its survival and means of retaining power.

It has been observed that if a universal law of politics exists, it is that those in power strive to stay in power and in the case of Africa, its worse because there are very few African heads of state willingly relinquishing power to anyone other than a hand picked successor such that the majority leave office either out of pressure or on account

---

[109] Ayittey, *op. cit.*, p. 23
[110] Burton John W., *International Relations: A General Theory* (Cambridge: Cambridge University Press, 1967), p. 46.
[111] Herz, *op. cit.*, p. 69

53

of their miscalculations of their popularity as misrepresented to them by their job seeking sycophants.[112] To that extent, most opposition politicians in Africa are branded rebels or terrorists and many have been denied a chance to compete by being outlawed as non-citizens of the respective countries while others have been charged with treason to disqualify them from political competition. With a leadership whose morals have degenerated and sunk so low, corruption, embezzlement, misappropriation and in most cases outright loot or plunder takes center stage of the public sector, thereby condemning the ordinary citizen to his perpetual destiny of despair and hopelessness. That desperate sense of no belonging, coupled with the betrayal and frustration of all peaceful means of addressing the impasse, the option of armed resistance to change the structure ranks high and become to be generally welcome among many African societies not withstanding the future implications of such rebellions to those societies that provides sanctuary to anti status quo armed rebellion. By the mid 1980's, African regimes which had long been able to fend off internal and external demands for political reforms were finally obliged to liberalize their system although from their stand point, far reaching democratization was likely to mean defeat[113] and had to be avoided.

However, the internal and external pressures on African States to democratize have become too intense to ignore but the old guard endures and is scrambling to use and explore all avenues including manipulations to find innovations for the preservations of the privileged positions. In many of these countries, the fraudulent trick to prevail over the pressure has been the creation of window dressing democratic institutions[114] like the legislature, the judiciary and manipulatable electoral body as well as a limited freedom of the press while limiting their efficiency through limited facilitation or by stifling them through intimidation. At the same time, some governments drastically limits the active political operational environment of the opposition not to mention behind the curtain efforts to divide the opposition by targeting its opportunistic short timers who become sell outs on sight of goodies from public coffers distributed by the ruling elite to bribe

---

[112] Leonardo A. Villalon and Phillip A. Huxtable, *The African State at a Critical Juncture; Between Disintegration and Reconfiguration* (London: Lynne Rienner Publishers, 1998), p. 284.
[113] Richard Joseph, "The Re-configuration of power in late twentieth Century Africa", in *State, Conflict and Democracy in Africa, op. cit.*, p. 61.
[114] Villaton and Huxtable, *op. cit.*, p. 286-287

and corrupt dissent into submission or in the alternative, call on the coercive machinery of the State to ensure a ruthless subjugation of all dissent political forces.

However, coupled with domestic developments, the end of the cold war provoked what Pye has termed as a "global crisis of authoritarianism"[115] in reference to the self motivating internal and global pressure for more political space. It has further been observed that prior to the demise of the international bipolar system, the authoritarian regimes in the 3rd world had not been subjected to domestic and international scrutiny because the world was more pre-occupied with ideological wars, geopolitical maneuvers and counter maneuvers for the balance of power syndrome whose network sprinkled down from super powers to 3rd world meanows,[116] leaving Africa's elite to monopolise the political field where the checks and balances became alien concepts. The African state has thus had a soft ride in regard to principles of transparency and accountability. With virtually no internal demand for leaders to account, the natural consequence was besides the absolute authoritarianism and the disruption of institutions, the mismanagement of the economy and with it a dwindle in socio-economic development.

In a state and an economy which has for most of the time been a one man's show, corruption, embezzlement, misappropriation and in some cases actual looting of state coffers has been a common phenomenon in many African countries. Once leaders' morals were corrupted with the obsession to command and retain political power, coupled with the promotion of patronage and the violation of norms and ethics, they naturally lost the moral authority to enforce the rule of law and accountability in particular. The most common outcome of the above situation has been the creation of political power cartels comprising of those who can corrupt the leadership with blind and unqualified praises as well as paying tributes to the ruling syndicate with the leadership itself compromised and blinded by ego, prestige, power and material things. In the face of unabated corruption, misappropriation and plunder, the public sector has tended to be the first casualty as every member of the ruling clique apportions him/herself public resources. Taking a leaf from the looting leadership, the civil service which witnesses and

---

[115] Pye Lucian, "Political Science and the Crisis of Authoritarianism", *American Political Science Review* v. 84 # 1: pp. 3-19.

[116] Paul R. Viotti and Mark V. Kauppi, *International Relations Theory: Realism, Pluralism, Globalization* (New York: MacMillan, 1987), p. 49.

normally processes this misappropriation has always seized the opportunity to apportion itself public resources hence the resultant vicious cycle of survival for the fittest setting the stage for state cannibalization.

In some cases, a culture of grabbing has metamorphosed from the gradual collapse of public morals to the brink of mafia like formations by state functionaries especially in allocating themselves and out scheming each other in the privatization of public corporations to the extent of holding the state at ransom and the resultant state predation. In the circumstances, every one who manages to secure any light linkage with the security forces becomes an authority and anarchy gradually breaks up with a systematic abuse of human rights. In the circumstances, the most common characteristics of the breakdown have mainly been the rule of law and the attempts to manipulate the constitutional order, the slow pace or a gradual collapse of the economy, a gradual fall in social services as well as the tendency towards militarizing society. Such gradually collapsing systems have tended to be less and less tolerant to any positive critics even from within the regime resulting into sackings of critics from public offices, arbitrary arrests, harassments and in many cases the resultant resistance and armed conflicts. Besides the most immediate effects of social disruptions, the armed conflicts across the continent have given birth to a concept of a state within a state and a culture of war lordism, with warlords cutting off parts of countries and even dictating terms of transactions and movements within such areas with their byelaws often recognized or at least observed by local and international state and non state actors.

Most of these so called liberation movements or groups have tended to be even more brutal and oppressive than the status quo they attempt to replace with some registering early rejections from communities they operate from and with it the brutal reprisals. Such were Jonas Savimbi's UNITA activities in Angola, Koroma in Sierra Leone, and many others. The total accumulation of such situations has tended to reflect its impact by way of human and socio-economic disruptions. Many people have in the process died, incapacitated, displaced and with it the agricultural, commercial, industrial and social fibre disruption. The end results have mainly been the vicious cycle of fall of GDP, loss of government revenue, a breakdown of social services like dispensaries, roads and other infrastructure, increment in security related expenditure, hiked local taxes,

smuggling and a total surrender and submission to international regimes and donor conditionalities. The post colonial state has remained a direct descendant of the colonial state. The un equal vertical relationships between the African economies and the metropoles have continued virtually un interrupted to the extent that in the 1990's regional trade counted for only 6 percent of Africa's export volume while in 1992 over 50 percent of Sub Saharan Africa's exports went to Western Industrialised States while Africa secured over 80 percent of her imports from the west [117] hence the deepening crisis of trade and investment imbalances[118] which no longer enjoyed the unquestioned political and economic back up from the bipolarity. Against such global challenges, most regimes have spared no effort to prevent association of groups that attempt the "treacherous" act to champion popular aspirations for democratic governance from organizing freely by outlawing competing forces despite the fact that even within the ruling parties, no iota of democracy exists outside the big man syndrome.

In the circumstances, instruments of coercion especially the police, army and occasionally the judiciary are compelled to deal harshly with the dissenting "criminals" first, outside the ruling clique and thereafter a more harshier neutralization of the internal critics. Such was the case with the dismissal of General Tembo, the Zambian Vice President and other Cabinet Ministers for advising president Chiluba against temptations to manipulate the constitutional order. It has been observed that the ruling elite is yet to accept the naked fact that the sheer weight of repression unleashed against political opposition is not sustainable and won't succeed in eliminating let alone silencing the opposition, and can at best, simply alter the mode and tone of the struggle to a violent onebut never to extinguish it.[119] Faced with such challenging and yet unending situation of human rights violations, economic figures not making up, corruption, embezzlement and looting by the elite at its highest and above all disappointed with their leadership's unreadiness to chart an alternative programme, some of the African elite especially the academia and the middle class have expressed signs of total despair and resignation to the extent of proposing the need for the re-colonization of Africa. They have argued that

[117] Julius E. Nyang'oro, and Timothy M. Shaw, "The African State in the Global Economic Context" in Villaton and Huxtable, op. cit., p. 31
[118] George Susan, A Fate Worse than Debt (England, Harmondsworth: Penguin, 1988), p. 27.
[119] Olukoshi, op. cit., p. 454.

given the magnitude of mismanagement and the commanding role by the Bretton Wood twins in the micro and macro management of African economies and politics such as determining the sizes of armies, the civil service and the choice of investments, there's no more freedom and sovereignty to talk about and that for purposes of getting more meaningful economic development, a formal re-colonization of the continent would be in the best interests of its people.[120]

However, the spirit of nationalism has not completely died out and despite the official out law, some have overtime persevered and formed the pressures to which many governments have despite the reluctance had to succumb to. The main gravious mistake on the part of the leadership has been its failure to read the wind of change coupled with its misjudgment that it can manipulate the democratic process as evidenced by futile attempts in Kenya, Zambia and Malawi. On the other hand, with the end of the Cold War, the ideological debate about alternative approaches to economic development ended with an African consensus emerging on the relevance and importance of market forces as determinants of economic development where the persistent economic pressures and the piercing of globalization have given rise to interdependence with regional political and economic arrangements becoming the distinguishing features of the contemporary global economy[121] - hence the decision to transform the OAU into the African Union as a collective response to address public and corporate governance only that obstacles of a conspiracy still worry the citizenry as to the chances of its success.

4.2   The Concept of NEPAD

The whole idea of African economic integration as pursued by NEPAD is rooted in the biting economic conditions on the African continent dating as far back as 1979, when heads of state in the Monrovia summit opted to address Africa's economic future. By then, the leaders had chosen to wake up to the challenges multifaceted in the New

---

[120] Mazrui A. "Towards a Benign Recolonization of the Disintegrating States of Africa," *Codesria Bulletin*. V. 2. 1995.
[121] Dame Eugenia Charles, *et al.*. "A Future for Small States. Overcoming Vulnerability", Report by a Commonwealth Advisory Group, (Commonwealth Secretariat Marlborough House, 1997).

International Economic Order (NIEO). They expressed a readiness and determination to take action on the following:

- Promote economic and social integration of African economies for purposes of enhancing self-reliance and self centred development.
- Give primacy to human resource development for creation of the necessary capacity.
- Create national, sub-regional and regional institutions in pursuit of self-reliance.
- Ensure self-reliance in food production and guarantee Africans with a proper and adequate nutrition and other basic human needs.
- Place science and technology at the center of Africa's development process.
- Undertake proper planning in all sectors of development particularly agriculture, industry and the environment, with a view to attaining modern economies by 2000.[122]

The desire to pursue the set objectives and bench marks thereof were immediately followed with the July 1980 Lagos Plan of Action (LPA) and the Final Act of Lagos (FAL). The elaborate detail of the LPA was that it committed African governments to establish an African Economic Community by the year 2000 – while the Final Act of Lagos (FAL) went further to elucidate on the type of political and economic institutional arrangement conducive to the realization of the African Economic Union. In between the above period to the late 1990s, many economic programmes as discussed here in after were floated by the world bank, IMF, UN, ECA and other agencies aimed at uplifting Africa from the economic mess all but in vain.

Meanwhile, upon realizing that Africa had become poorer in the past four decades since independence, the African leadership considered as a renaissance the establishment of a new partnership with the industrialized world focusing on enhanced trade geared towards foreign direct investment. There was also a realization that domestic policy failures and the limitations of development assistance along with bad governance and corruption had brought about the continental economic decline. In the circumstances, the New Partnership for African Development (NEPAD) was floated and approved on 23 October 2001 in Abuja as the way of pulling resources together from domestic and

---

[122] Kinfe, *op. cit.* , p. 77

external sources. The NEPAD concept was curved out of the New African initiative (NAI) itself a product of a combination of parent documents namely the Millennium Partnership for the African Recovery Programme sponsored by presidents Thabo Mbeki, Olusegun Obasanjo and Abdel Aziz Bouteflika as well as the Omega plan sponsored by Senagalese president Abdoulaye Wade. NEPAD considered to be Africa's marshal plan focuses on infrastructural development, attracting investments, with emphasis on African ownership of Africa's problems and solutions. It commits African countries to set in force standards of good governance across the continent, to respect human rights and work for peace and poverty reduction for which governments would expect enhanced partnership through increased aid, private investment and the reduction of trade barriers by the rich countries. With its primary objective focused on poverty eradication and countering Africa's marginalisation in the globalisation process, NEPAD's priority areas include interalia:

- Conflict prevention, management and resolution and the maintenance of peace.
- Promotion and protection of democracy and human rights and the development of clear standards of accountability, transparency and participatory governance at local and national levels.
- Restoring and maintaining macro economic stability
- Instituting legal and regulatory framework for financial markets, auditing of private companies and the public sector.
- Revitalizing social services in the areas of education and health services with priority on HIV AIDS, malaria and other communicable diseases.
- Promoting the role of women
- Development of infrastructure, agriculture and its diversification to include agro-industries for domestic & export markets.
- Last but not least creating conditions that make the African continent a preferred destination for domestic and foreign investment.

On the other hand however, critics saw the NEPAD concept as rather rushed and not participatory enough thus lacked the requisite transparency. It was also criticized for adopting old neo-Liberal models of economic development and failed policies such as the

60

already discredited structural adjustment policies. The NEPAD plan was also found lacking in regard to;

- Challenging the Northern hemisphere's economic dominance by taking wholesale IMF and World Bank prescriptions.
- Failure to honour its own commitments on good governance and human rights.
- The peer review mechanism's ineffectiveness due to the reluctance of leaders to criticize each other's weaknesses thus reflecting a conspiracy of the leadership against subjects.
- Failure to involve civil society organizations and the private sector in drawing workable plan.

Failure to involve Africa's gurus in the world of academia especially historians, economists, archeologists, environmentalists and such areas of interest for a thorough research on the needful.

It therefore appears that the conveyors of the AU agenda for the requisite African renaissance is NEPAD but to many African analysts, despite its good ideas, NEPAD's chances of success are minimal. Its argued that the objectives NEPAD sets herself and the time frame of eradicating poverty by 2015 are rather too optimistic. Relatedly, achieving a 7% growth per annum for 15 consecutive years is no mean task and its never been attained by any country. The idea of mobilizing investment resources from local resources, foreign aid investments, remittances from Africans in the diaspora, donors as well as individual contributions from African states is equally too optimistic given the real situation. Among the key challenges is the subject of disparities within the different economies where almost each is needy thus posing a dilemma as to where to start from especially on infrastructural development.

Suspicion is growing that the G8 and other donor's promise of $ 64 billion dollars has not been forthcoming and might have been a deception to frustrate the initial African union concept of Muamar Gadhafi that was aimed at Africa's own solutions to problems. With most of the leaders obsessed with political power and giving lip service to unity, forging unity and ceding some political power to supra national bodies such as the AU for that much needed collective voice and action against exploitation remains elusive. Among the key concerns, NEPAD is supposed to be a partnership but who are

the parties? Is it a partnership between the African leaders and the led? Is it between the African leaders and the development world leaders? Is it a partnership between Africa as a whole and the developed world as a whole? In other words, who is partnering and with who? In addition, the investment resource bases reflect mere wishful thinking for it was an over anticipation from donors to part with $ 64 billion where the African leaders were trapped with an insurmountable task of facilitating and entrenching democratic governance a task it could hardly pass. Even as they set it, the donors knew it was a redline African leaders were not about to cross.

NEPAD also banked on resources from mobilization of government and the local private sector yet its well versed with the gaps in the balance of payments with most of the member countries. On a more serious note, the much anticipated local private sector investment and the remittances from Africans in the diaspora is highly debatable considering the absence of information sharing where the two sectors look at NEPAD with misgivings as alien and foreign oriented for which the masses have had no input.

In an un referenced research of 2003 by price water house coopers , several East African chief executive officers of over 250 most prominent firms expressed total ignorance of the underlining issues under NEPAD with complaints of having been sidelined on the NEPAD agenda formulation. They further argued the African leadership to first address its own weaknesses that contributed over 50% of the African problems before they can address other continental problems[123].

Consequently, with questions of suspicion as to who is reviewing who under the African peer review mechanism (ARPM), NEPAD is regrettably perceived as a platform of contestation where some African leaders are trying to uplift the continent from the position of servititude and under development yet seeking the help of some of the very people responsible for the crisis such as the G8 who naturally are trying to maintain the status quo. Accordingly, Africa is captured and held prisoner but it seeks to plan, strategise and implement her escape with the confiner! In the circumstances, the way forward is for the African union to deconstruct the whole development agenda. Assuming the AU retains NEPAD being as Africa's marshal plan, being a partnership implies it's a loose agreement or a sort of club that ought to be open to accommodate any other willing

---

[123] Nick Allen, "Corporate Finance and Strategy." *Price Water House Coopers.*

partner whose joining is advantageous to Africa such as Brazil, India, china and others but not necessarily tying Africa to western Europe and north America. Additionally, besides addressing the democratic question, the AU ought to mobilize the African expertise and the acquisition of the requisite technology for economic development. Africa should consider formation of supra national commodity goods bodies such as the Africa oil board, coffee board and other products to negotiate terms of international trade with capacity to reject and boycott unfair trade regimes rather than subjecting the small time producers of Tea or Cocoa to the vagaries of the free market.

4.3 The Idea of the African Union

Since its establishment in 1963, the role and functions of the OAU have remained the same as enshrined in its charter being to promote unity and solidarity among Africa's people, defend and respect the sovereignty and territorial integrity of member states, liberate all those still under colonial rule, promote international cooperation and the settlement of disputes through negotiation, mediation, conciliation and arbitration. Since the initial concept behind the OAU was one of a union, one would not be misplaced to argue that the whole idea of the African Union is just a return to the initial African agenda of the quest for a political union. It's a concept so central in the minds of many Africans despite the fact that its practical implementation has remained elusive for decades owing to various reasons ranging from historical, geopolitical to purely internal weaknesses.

It is strongly debatable as to whether Africa needed to change the name to address the concerns of Africa and it is argued herein that without any qualitative change in the political and socio-economic life of Africa, the change of name from OAU to AU was merely a psychological treatment with no substantive meaning to the ordinary African. Nonetheless, the creation of the African Union can be attributed to the whole of the African leadership and its people but of significance contribution is the role played by the individual presidents and the respective states in the names of Abdulaziz Bouteflika of Algeria, Olusegun Obasanjo of Nigeria, Abdoulaye Wade of Senegal, Thabo Mbeki of S. Africa, Hosni Mubarak of Egypt and Muamar Gaddafi of Libya. They played various

enormous roles in the mobilization of resources from within and without the continent and formed the brains behind the evolution process including but not limited to the concept of NEPAD. The African Union was carved out of a previously existing Organization of African Unity (OAU) through a constitutive Act that terminated the life span of the OAU and gave birth to the new institution of the AU. It was argued that over the years, the continents challenges had changed necessitating a refocus on its problems which could no longer be effectively addressed within the confines of the OAU charter. Prior to this, several amendments and additional protocols had been made to the charter, some bringing with them new agencies like the 1991 African Economic Community,[124] the 1981 African Charter on Human and people's rights, and the 1993 Cairo declaration establishing the mechanism for conflict prevention, management and resolution. Against a growing realization for the urgent need to integrate political activities with economic and development issues as articulated in the AEC Abuja treaty, the 1999 OAU extra ordinary summit met on the 9 September 1999 in the Libyan town of Sirte called for the establishment of an African Union in conformity with the OAU charter and AEC provisions. At the footsteps of the Sirte declarations, the Constitutive Act of African Union was adopted during the 2000 OAU Lome Summit. The 2001 OAU Lusaka summit completed an evolution from the OAU through the AEC to the Act supposedly envisioning a sovereign state consisting of autonomous political entities with a progressive understanding and respect for human and people's rights.

Central to the whole concept of the African Union is the African leadership's long overdue realization albeit reluctantly that there can never be economic emancipation of Africa without democratic governance. It's a realization that the hitherto protection of non interference under the OAU charter has outlived its usefulness and only served selfish interests of monopolizing political power and that democracy, the rule of law and the respect for human rights forms the only tested and reliable foundation for political, cultural and socio-economic development. In general terms, one may justifiably name African poor leadership as the single biggest problem on the continent. It's the failure of leadership that has failed its democratic and economic act leading to a poor economy, poverty, corruption, escalation of disease as well as turning the state into a terrain for the

---

[124] June 3, 1991

64

ethnicisation of politics. The leadership which ought to prevail over these calamities is busy deconstructing national institutions paving ways for looting and cannibalising their respective nations in the absence of transparency and accountability. Indeed, the greatest danger a leader can ever inflict against his nation is the deconstruction or dilution of its institutions and transforming them into himself which many africa leaders have exactly been doing for their own political expediency and survival at the expense of the state and society. In most cases the leadership in Africa that ought to be torchbearers is more of the problem than the solution proving a liability to the common good and questions have been posed as to what extent are African leaders' role models to be emulated? If the leadership hates transparency, accountability and democratic values then who should know and nurture these values? When will the leadership appreciate that right is value founded on virtue and probity. When shall the continent see beyond the personal good to focus on common good?. These are some of the basic missing ideas that contributes to Africa's crisis.

In the eyes of the developed world, it has been argued that until less hierarchical ways of avoiding a hobbesian world are discovered, the state lies at the center of solutions to the problem of order and that evaluation of terms like democracy in political science refer to the evaluation of political structures and processes which have achieved a much higher level of institutionalization than is the case in Africa.[125]

4.4 African Peer Review Mechanism (APRM)

As already mentioned, the whole idea of NEPAD was intended to be an African vision aimed at tackling those major weaknesses of the continent that impede its socio-economic development. NEPAD therefore was intended to devise ways of addressing peace and security, good economic, political and corporate governance, so as to make the continent an attractive destination for foreign investment. NEPAD is a pledge by African leaders, based on a common vision and shared conviction that they have a pressing duty dealing with the continents underdevelopment and to place their respective countries both individually and collectively, on a path of sustainable growth and development as well as

---

[125] Villaton and Huxtable. *op. cit.*. p. 5

actively engaging in world affairs. Among the key objectives of NEPAD which equally received approval by the G8 nations are the eradication of poverty and establishing good governance and democracy on the continent. As president Obasanjo said, "We are imposing these standards of governance on ourselves because we know there are no alternatives. If we fail we can only blame ourselves".[126]

It was against such conviction that the NEPAD steering committee agreed to establish a performance self assessment mechanism renamed Africa Peer Review Mechanism (APRM) to assess member countries adherence and implementation of the set NEPAD objectives in areas of peace, security, democracy, public and corporate governance, human and infrastructure development, market access, environmental development and capital inflows among others. The NEPAD strategy document recognizes that there can be no development in the absence of "true democracy, respect for human rights, peace and good governance" and its proponents undertake to respect the global standards of democracy, the core components of which include political pluralism, a respect for freedom of association, including existence of workers unions and fair, open and democratic elections. Consequently, in June 2002, the APRM concept was adopted by the African leadership and the objective of the mechanism is to get African leaders subject their respective governments to on going assessment by other Africans in such priority areas such as peace and security, democracy and political governance, economic and corporate management for which the UN economic commission for Africa was given the mandate to set the standards against which compliance is to be measured.

It is aimed at the promotion of policies, standards and practices favouring political stability, economic growth, sustainable development and regional integration. When a country submits itself to the APRM, the secretariat to comprise of eminent and efficient Africans of high moral stature, prepares a documentary review and send a team to the joining country holding wide consultations with government officials, parliamentarians, political parties, the media, civil society representatives and the team makes a report of its findings to the African Heads of state and key regional institutions such as the African Commission on Human and People's Rights with the subject government reserving the right to respond to the report. If a government shows a demonstratable will to correct any

---

[126] File://A:/NEPAD

66

identified shortcomings, then other African states will be mobilized to render it a hand to comply and appeals will be made to the donors for specific assistance but where governments are not willing to comply, constructive dialogue will be employed failure of which may invite other appropriate measures which in this case may refer to sanctions or even interventions within the context of the AU Constitutive Act.

However, the controversy with APRM is that it remains a voluntary venture for a country to submit and subject itself to an independent assessment. It thus remains such a good but controversial concept mainly due to its voluntariness with no specified consequences or missed benefits for those not joining. Given the African leadership history of conspiracy, it is highly doubtable whether consensus on course of action will be easily attained in case of a defaulting state. Another controversy with the APRM is the attempt to differentiate levels of development to determine the standards of compliance. This has the effect of maintaining the ever- elusive debate as to whether humans in a less development society should enjoy the same democratic rights as universally understood which is not only unfair, but also an abuse of the human race. As expected, the other hot debate on the APRM menu is the issue of sovereignty especially by regimes which will be making desperate attempts to cover up their poor governance. Therefore, the APRM itself a nice idea, is yet to design effective responses to some of these weak areas. Another problem is that the existing regional human rights institutions which the African union is inheriting have for long been crippled by inadequate resources and the total lack of political will to enforce human rights. It remains to be seen whether the AU will outlive these limitations.

While NEPAD as a programme geared towards poverty reduction and economic development of Africa explicitly recognizes the importance of democracy, human rights and the rule of law for economic development, its own code of good governance in the name of APRM remains vague when it comes to human rights pledges.[127] The US based human rights watch observed that the African Union will only succeed if it replaces the culture of impunity with the culture of accountability. That means making sure that the nice words of its constitutive Act and NEPAD come to life and that there are serious

---

[127] See: "African Union should spotlight human rights," *Afrol News*, July 11, 2002.

consequences if states don't live up to what they say they will do.[128] It's against this background that the G.8 summit in Kanakisis[129] pledged support for NEPAD but equally adopted a wait and see approach to the system of peer review mechanism. In other words, while the peer review system is a good concept, its only meaningful if the process is transparent and given teeth. "It must be backed up by institutions that can ensure proper scrutiny and enforcement of human rights", observed Peter Takirambude of Human Rights Watch Africa division.

4.5 Operationalisation of the Constitutive Act

The African Union Constitutive Act provides for a number of objectives that sets it in operational motion and these include among others:

- Achieve greater unity and solidarity between African countries and the peoples of Africa.
- Accelerate the political and social-economic integration of the continent
- Promote peace, security and stability on the continent.
- Promote democratic principles and institutions, popular participation and good governance.
- Promote and protect human rights in accordance with the African charter on human and people's rights and other relevant human rights instruments.
- Promote cooperation in all fields of human activity to raise the living standards of African people's.

The constitutive Act under its articles made provision for the defined transitional period for a smooth and gradual transition from OAU and the AEC into the AU. Compared to the OAU charter objectives, the AU Constitutive Act is more comprehensive and has a wide range of specific areas it seeks to address. It replaced the OAU charter and entered into force 30 days after ratification by two thirds of the 53 OAU member states but the fading OAU charter was allowed to remain in force for one year to cater for any unforeseen eventualities during the transitional period. The former OAU

---

[128] *supra*
[129] June 2002, Canada.

secretariat in Addis Ababa was retained and renamed the interior African union commission to manage the day to day business of the Union.[130]

4.6   Organs of the AU and their Roles

The African union inherited all the organs of its predecessor, the OAU and went on a step further to expand the scope of responsibility and jurisdiction with a structure aimed at the pursuit of its overall objectives of promoting peace, security, and economic development for the conflict prone and marginalized continent as opposed to the OAU's main objective of decolonisation. Accordingly, the AU's organs include:

THE ASSEMBLY – made up of heads of states of all the 53 countries and is the supreme organ of the African union.   It meets annually and elects a chairperson. Decisions are made by consensus or a two thirds majority.   It decides major policies for the union and considers applications for membership, adopts the budget and directs the process of conflict resolution as well as appointing judges for the court of justice.

THE EXECUTIVE COUNCIL - It's composed of foreign ministers of the member states and is accountable to the assembly. The council decides on matters such as foreign trade, social security, food, agriculture, science and technology as well as communication.   It prepares agenda and decisions for the assembly to discuss and approve.

THE PERMANENT REPRESENTATIVES COMMITTEE - This is composed of Ambassadors to the AU and has the responsibility of preparing the preliminary work for the executive council.

THE COMMISSION - This forms the secretariat of the union and is made up of a chairperson, deputy chairperson and eight commissioners and members of staff. The commission deals with administrative issues and implements the decisions of the union. It represents the union and defends its interests, elaborate common positions of the union and prepares strategic plans and studies for consideration by the executive council in addition to harmonizing programmes. The commissions port folio include the under mentioned desks and related areas:

---

[130] Constitutive Act, Art 33(4)

- **Peace and security** – responsible for conflict prevention, management and resolution as well as control of terrorism.
- **Political affairs** – responsible for human rights, democracy, good governance, electoral institutions, society organizations, humanitarian affairs, refugees, returnees, and internally displaced persons.
- **Infrastructure and energy** – responsible for energy, transport, communication and tourism and related areas.
- **Social affairs** – responsible for health, children, drug control, population, migration, labour and employment, sports, culture and related areas.
- **Human resources, science and technology** – responsible for education, information, youth, human resources, science and technology.
- **Trade and industry** – responsible for transport, industry, customs and immigration matters and commercial oriented issues.
- **Rural economy and agriculture** – responsible for rural economy, agriculture, food security, livestock, environment, water, natural resources and desertification.
- **Economic affairs** - responsible for economic integration, monetary affairs, private sector development, investment and resource mobilization.

THE ECOSOC - The Economic, Social and Cultural Council is an advisory organ of the union composed of different professional groups from member states of the union as well as civic representatives who advise on socio-economic matters.

FINANCIAL INSTITUTIONS - Three financial institutions are being set up under the AU auspices to provide funding for other projects and programmes. These include, the African central bank, the African monetary fund and the African investment bank.

THE PAN AFRICAN PARLIAMENT - It's an organ comprising of representatives from the domestic parliaments of member states. It's intended to realize the full participation of African governance by parliamentarians who are supposedly directly and fairly elected by the continents masses. Besides governance, it is aimed at the development and economic integration of the continent and hopefully its functions will involve taking major decisions on the continent's political management. However, its decisions on member states and its powers commanding no political or financial prowess casts doubt about its effectiveness in checking excesses of Chief Executives.

THE PEACE AND SECURITY COUNCIL (PSC)

This was not among the original organs of the union, it was established through the adoption of a protocol to the constitutive Act pursuant to article 5 (2) there of as a standing decision making organ. The July 2001 Lusaka summit adopted the peace and Security Council[131] with capacity to intervene or interfere with matters that have for decades been considered internal affairs of member states supposedly protected under the UN charter.[132] The PSC protocol provides for functions of the council and include inter alia promotion of peace, security and stability in Africa, early warning preventive diplomacy, peace making including the use of good offices, mediation, conciliation, peace building as well as other humanitarian and disaster management operations. Similarly it is empowered to recommend to the general assembly intervention, on behalf of the union in a member state in respect of grave circumstances namely, war crimes, genocide and crimes against humanity, approve modalities for interventions by the union in a member state as well as instituting sanctions in the event of unconstitutional change of government.[133] Therefore, the peace and Security Council with its intended mandate of intervention into another country, is one of the major innovations of the African Union as it marks a critical departure from OAU's central tenet of non-interference in the member state's internal affairs. The new concept creates the legal and moral atmosphere of the right to intervene into member states internal affairs in cases of genocide, war crimes and gross violations of human rights[134] hopefully bringing to an end the shield of hiding official gross misconduct.

The PSC has an early warning mechanism, a rapid deployment force, a military committee and a peace fund whose resources are derived from member contributions.[135] However, a critical look at the PSC and its objectives indicates that despite well intentions, the PSC formation pays little if any attention to sub-regional organizations like ECOWAS, SADC, IGAD and others which in the past have through their own initiatives developed and tested conflict management mechanisms that proved effective in prevention, management and settlement of conflicts. In addition, membership of council

---

[131] AHG\Dec 160 (XXXVII)
[132] Art 4(2) and (7)
[133] Art 7(e) (f) (g) PSC Protocol
[134] Art 4(h)
[135] Art 2(2) Peace and Security Council Protocol

sub committees makes no room for the much-needed civil society's role in Conflict Management. Further more, the protocols provision of a rapid deployment force on call from within member states is yet to address the practical questions of its establishment, training doctrine, formations, logistical support, command and above all ideological direction. These if not promptly sorted out pose the threat and potential of igniting the breakup of the African Union.

Equally important is the fact that the protocol is not pro-active enough as there's insufficient mention and linkage of the adherence to the rule of law and respect for human rights within the PSC instruments. This would have had the effect of ensuring that African ruling regimes are constitutionally and legally based. The protocol also ought to outlaw political detentions, suppressions of expression, freedom of association and all forms of harassments, which are among the major contributing factors to civil conflicts across the continent. The PSC is to operate within the framework of other complimentary security instruments such as the OAU Mechanism for conflict prevention, management and resolution,[136] the code of conduct for inter African relations[137] the decision on unconstitutional changes of government of July 1999, the OAU response on unconstitutional changes of government[138], as well as the solemn declaration on the conference on security, stability, development and cooperation in Africa.[139]

However, despite the plethora of instruments, the African Security situation remains begging as ever perhaps underlining the fact that instruments *perse* are no remedy to the needy situations without the requisite political will and concrete positive actions. Nonetheless, the replacement of the central organ on prevention and management of conflict with the peace and Security Council reflects Africa's departure from adhoc arrangements, but the council can not be regarded a solid and unified organ for its made up of different sub organs such as the panel of the wise, a body advising the council on all issues relating to the promotion, maintenance of peace and stability, a continental early warning system which is a body facilitating the anticipation and prevention of conflicts, an African stand by force a body composed of multi disciplinary

[136] Cairo, June 1993
[137] June 1994
[138] Lome, July 2000
[139] July 2000

civilian and military contingents for rapid deployment as well as a special fund to back up the relevant activities with financial and material resources as well as the AU commission and secretarial back up. It remains to be seen whether this departmentalization of the PSC will serve to strengthen its transparency, fairness and effectiveness or simply boge down its over all efficiency.

The Court Of Justice and Constitutional Order

For unexplainable reasons, respect and protection of human rights on the African continent has been conspicuously missing. Proposals to establish an African charter on human and people's rights first came to light in 1961 at the international commission of Jurists organized conference at Lagos, Nigeria. Since then, several efforts towards African human and people's rights have either been frustrated or exterminated in infancy. The establishment of an African court on human and people's rights came via the OAU's adoption of the charter on human and people's rights[140] to the protections accorded by the African commission on human and people's rights but the court has for long been denied an enforcement mechanism.

To guarantee human rights, the charter provided for the establishment of an African commission on human and people's rights to promote, protect, and interpret the human rights provisions as enshrined in the charter. As fate would have it, the commission only proved a paper tiger and was hardly able to enforce human rights on the continent despite the fact that, in almost all National Political constitutions of independent African states, human rights are declared and presumed guaranteed. All these countries' constitutions contain lofty human rights provisions with preambles declaring adherence to the principles of democracy and human rights as defined in the declaration of the rights of man and the citizen of 1789 as well as the universal declaration of human rights of 1948 but this does not trascend cosmetic objectives.

The constitutions of Burkina Faso, Benin, Gabon, Libya, Senegal, Rwanda, Nigeria, Kenya, Uganda, Tanzania, Liberia, Malawi, Morocco, Guinea, Gambia, Togo,

---

[140] June 9, 1998, Ougadougou – Burkina Faso.

Zambia, S.Africa and Ghana to mention but a few provides for equality before the law, non discrimination, freedom of opinion, assembly, movement, association, the right to social security, personal liberty as well as the due process of law. As a step further, constitutions of states like Nigeria, Tanzania, Senegal, Ghana and Uganda contain constitutional protections of human rights through the establishments of a presumably an independent judiciary, and ombudsman to investigate complaints of administrative excesses and malpractices against individual citizens while Togo, Nigeria and Uganda went a step further to constitutionally create an independent permanent human rights commission with a mandate to promote and protect human rights.[141] Besides all the 53 African states ratifying their own human rights charter, most have ratified the international covenant on civil and political rights (ICCPR) also called the first generation rights basically relating to freedom of civil and political rights of competing and participating in any lawful civil and political activities. Relatedly, many states have ratified the international covenant on economic, social and cultural rights (ICESCR) also called the second-generation rights basically relating to freedom to social, cultural and economic emancipation including but not limited to a right to health care, education, employment and other related rights as well as conventions on women, children and refugees.

However, despite the self-marketing human rights codifications, large scale, unprecedented breaches of human rights remains the norm than the exception in most parts of the continent thanks to the big man syndrome. Reports of extra judicial executions, massacres, disappearances, torture, arbitrary detention, detention in ungazetted cells, denial of political expression and association, political surveillance and harassments are routinely documented in most parts of the continent, violations of the rights to health, education, food, water, housing, culture, environment and employment security are but a common occurrence that is not even sounded out. These violations have often taken place in almost an environment of total impunity particularly by security agencies paramilitary groups and individual government functionaries especially during election campaigns. In some cases, the military has opted to abandon its professional obligation taking sides to campaign for parliamentary and presidential candidates

---

[141] Art 51, Constitution of Uganda, 1995.

favoured by the incumbent regime. In circumstances where state canibalisation and predation has led to privatization of the state, the military has in some cases backed private militia operatives in creating chaos mainly targeting the strongest and most credible of all the opposition candidates where violence is meted against him/her personally and his or her key opinion leaders to either force them cross to the incumbent's side or isolate the candidate so as to make him or her appear a loner in his/her political bid.

On the other hand, makeshift oppositions are crafted out for purposes of creating an impression of a democratically competitive election[142]. All this has been possible mainly due to lack of population empowerment and because many African countries lack strong institutions like an independent judiciary especially in deciding on political matters where the incumbent has shown his personal interest hence, the judiciary would prefer steering clear of the big man's wrath. Another contributory factor has been the absence of a vibrant free press alongside widespread corruption with citizens often lacking any effective recourse to challenge abusive government action. In order to ensure total control and cover up of human rights abuses, several governments on the continent have instituted a systematic political persecution of critics, political opponents, journalists, and human rights activists – subjecting them to dismissal from jobs, arbitrary arrests, ill treatment and harassments. The protocol establishing the African court on human and people's rights came into force in January 2004 and paved way for the continent's first ever-judicial institution solely dedicated to the protection of basic human rights. It remains to be seen whether in the midst of the cloudy human rights violations coupled with lack of a political will and enforcement mechanism, the court can be of any relevance.

It should further be noted that, despite its illustrious name and ambitious mandate, the AU human rights court lacked a good gestation period. It has taken over five years for the necessary fifteen of the continents fifty-three member states to ratify its protocol and the court only has jurisdiction over those ratifying states. Further sceptism has been registered against the fact that individuals wishing to bring a case against member states

---

[142] Munini K. Mulera, "Cameroon's opposition hands Biya a 7- year term," *The Monitor*, Uganda, October 25, 2004.

will only do so with the green light of the state that is a party to the case or through the AU's commission for human and people's rights. This trend is a rather worrying development to the many victims of African human rights abuses as well as those activists who have been struggling for decades to entrench a culture of respect and adherence to basic fundamental human rights. The whole idea of seeking a would be respondent's consent "the state" before it is dragged to court defeats the whole concept of Justice and human rights protection. The import of this is that the state has remained the same 1648 Westphalia state, which the OAU sought to protect at its formation.

This protection of sovereignty was sunctlly put by the Guinean president Sekou Toure during his term as OAU chairman when he *inter alia* said "the OAU was not a tribunal which could sit on a judgment on any member state's internal affairs".[143] As a consequence, at the center of the African's Crisis lies, the increasing political greed coupled with repression, denial of political choice, restrictions on freedoms of expression, association, denial of nationality, corruption, looting, misappropriation, arbitrary arrests, harassments, detention without trial, detention in ungazetted locations, state predation and above all unchallengeable political & electoral manipulations. This has tended to cast doubt on the existence of the rule of law and some would be investment decisions have been lost out unknowingly as no serious investor would opt to invest in an autocratic environment that cannot guarantee his or her political and socio-economic security and this bitter reality seems to evade the political focus of many of Africa's leaders who continue to claim wonders.

---

[143] URL.: http://www.yale.edulyhd/vol3/udombana.htm

CHAPTER FIVE: CHALLENGES OF THE AFRICAN UNION

The 20th century will go down in the African history as one of upheaval, with great political, military, economic, social, cultural, legal and institutional disruptions. This was indubitably a century of destruction that systematically weakened the political and socio-economic base of Sub-Saharan Africa and altered the image of the continent before other international actors. However,on the positive aspect, the period witnessed the demise of direct colonialism on the continent, introduced Africa to the international scene through the introduction of the modern Westphalia nation state. On the negative aspect, accounting for the biggest percentage of the continent's history, the period precipitated armed conflicts, mass massacres, forced migrations, refugees, famine, political intolerance and harassments, diseases, disruption and state canibalisation.

5.1 Politics and The State in Africa

Politics has been generally defined as the management of society. The Oxford English dictionary defines politics as the science and art of government[144]. Since the advent of the 1648 Westphalia treaty that recognized the nation state, management of politics and for that matter management of society is through the creation of a Nation state. It's that state that formulates the policies, the rules and the relevant sanctions that facilitates governance of society. Governance within the political context has traditionally been defined as the "top down" authority vested in the state with government as the legitimate embodiment of the general will based on the application of Law and coercion as instruments of governance.[145]

In one of the definitions, Black Law's dictionary defines a state as the organization of social life, which exercises sovereign power on behalf of the people[146]. Again Black Law's dictionary defines the state from an international law standpoint to

---

[144] Joyce M. Hawkins, *The Oxford English Mines Dictionary Revised* (3rd edition, New York: Clarendon Press, 1981), p. 394.

[145] Jon Pierre and B. Guy Peters, *Governance, Politics and the State* (New York: St Martin's Press, 2000), p. 37.

[146] Henry Campbell Black, *Black Law Dictionary* (St Paul Minn West Publishing, 1983), p. 731.

mean a people permanently occupying a fixed territory bound together by law, habits and custom into one body politic exercising through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries capable of making war and peace and of entering into international relations with other communities of the globe[147]. From the above international law stand point which apparently is in agreement with realism, a state can be assumed to have four main elements, namely territory, population, sovereignty and a government with international recognition just as expressed within the Montevideo treaty[148]. These international law principles along with the general concept of realism have always set the state supreme over any other actor in international relations. Embedded in this state's legality and legitimacy is the Westphalia notion of sovereignty, the political authority within a community that has the undisputed right to determine the frame work of rules, regulations and policies within a given territory and to govern accordingly[149].

Unfortunately for Africa, where as such an outdated state with a concept of sovereignty that assumes an impenetrable, indivisible, illumitable, exclusive and perpetual form of public power, embodied within an individual state has long vanished from the modern scene of international politics, the African state remains engulfed in this primitive form of governance. Consequently, the state as it exists today is a colonial legacy where the colonial state was above all a military state, with absolute power, elitist, over centralized, with uncompromising cruelty and brutality whenever enforcement is invited into play. At independence, in ensuring that the distorted organization of society remains in force, the colonial powers either handed over governance to groups sympathetic to their interests while eliminating or isolating Nationalist leaders or deliberately hurriedly handed over the mantle of political leadership to ill prepared groups to form government so as to directly and indirectly sabotage the post independence young state hence planting the seeds of political, socio-economic and technological dependency. As a result, very few would genuinely dispute the existence of a crisis of confidence between the state and society in Africa brought about by the

---

[147] *supra*

[148] Martin Dixon and Robert Mcquodale, *Cases and Materials on International Law* (3rd edition, London: Black Smith Press Limited, 1991), p. 94.

[149] Hutchful E. and Bathily A., eds., *The Military and Militarism in Africa* (Dakar Cordesia Press, 1998), p. 11.

unpopular laws, their brutal enforcement, political intolerance, human rights abuses and corruption with impunity, lack of accountability, drastic falls in production and the deepening political and economic crisis that has dragged Africa into the limelight of media houses as a scene and theatre of political and socio-economic mismanagement and catastrophe.

It is exactly these anomalies of the outdated colonial state that ought to be addressed if the AU central objectives of democracy, peace, stability, development and prosperity as outlined by president Mbeki are to be realized. When one reads the text of president Mbeki's address at the 3rd extra ordinary executive council session of the African union[150] outlining the central objectives of the African Union, the most logical conclusion to make is that some of the African leadership has at long last chosen to face the bitter truth in regard to the continents causes of failures. One would equally conclude that the central objectives as laid and sounded out by president Mbeki are in their order of importance and precedence in which case, we have to start first and foremost by addressing the question of democracy which if properly handled will lead to peace and stability and in turn leads to production, development and prosperity. Lack of democracy therefore, forms the most important missing link for the continent's woes and the biggest responsibility of ensuring democracy lies first and foremost on the leadership.

It is precisely out of that realization that one would argue here in that, if there is anything Africa and its development partners ought to pursue vigorously and, with no compromise whatsoever in the interest of the vast majority of Africans who have lost dear ones and suffered in senseless inter and intra state wars, lost dear ones and experienced diseases, migrations, displacements, malnutrition, marginalisation, political persecutions, harassments and all evils of political selfishness, then it is democracy and the rule of law. Mindful of the fact that democracy has, probably due to the same selfish interests several definitions, its common for defenders of any kind of regime to claim that it is democratic. However, it invites no debate that central to the various definitions is the factor of fair play and therefore genuine representation. It is further submitted that when an African state elects, to be treated as a state in accordance with the international

---

[150] 21 May 2003- Sun City South Africa

79

standards of a state, it equally and automatically qualifies itself to the parameters of being adjudged by international standards as opposed to seeking flimsy excuses.

According to those standards, the core or quintessential meaning of democracy is "good, fair and just government". The foundations for a democratic system of governance conducive for the survival and prosper of democracy include, a health and prosperous economy, simple and open electoral rules and procedures, a political culture based on the values of equality, liberty and human dignity. In the Greek origins of democracy, in its etymology sense, democracy simply means "rule by the people" and the people can not rule or direct the trend of the public affairs if marginalized in aforementioned areas. Therefore, the democratic ideal suggests that the people should be the rulers of themselves with a critical implication that the people should determine their destiny and that of their society by ruling themselves, ordering, organizing and managing their own affairs which literally means one simple thing, that people should be free to determine their destiny by electing their leadership free of manipulation, intimidation or otherwise.

In other words, such a justified democratic victory should be one devoid of manipulation, fraud, intimidation, or prior campaigns when others are forbidden only to be allowed to solicit for votes at the last hour, which only serves to legitimize an illegitimate electoral process because in the absence of fair play, that is literally fraud and rigging *perse* which tantamounts to political corruption. Unfortunately, due to the low social empowerment, very few of Africans appreciate the fact that rigging an electoral process entails and includes among others all those unfair processes from constituency boundary drawings and adjustments, voter register manipulation, use of government structures or public service allocation, use of state resources to favour particular candidates and marginalisation others through the intimidation of opposition candidates, electoral returning officers, the monopoly of public media houses and many other malpractices aimed at providing unfair advantage of the manipulating candidates over others.

Africa's fraudulent elections include the use of government machinery and party loyalists and activists to instigate violence out of panic and fear of the potential loss of power, illegal arrests and detentions, intimidation and bribery of electoral and judicial

officials, fraudulent and intimidative disqualification of the strong members of the opposition through fake partisan laws. As Bratton and Posner have observed, African electoral imperfections are caused mainly by incumbent leaders who openly manipulate constitutional and electoral rules to trip up their competitors.[151] According to Oyugi and Gitonga, "By the very fact that different peoples possess different mechanisms of implementing democracy, they also harvest different crops of its fruits." They further argue that many electoral systems for example are institutionalized frauds.[152] Quite often, electoral systems are openly, directly or indirectly violated, through such practices as vote rigging, fraudulent disqualification of candidates, harassments, intimidations, illegal arrests, corruption, bribery and violence[153]. It is further observed that in Africa, most electorates are incapacitated by objective socio-economic conditions from playing an effective role in the choice of representatives. The African leadership has for long exploited the illiteracy, ignorance and poverty of the people plus such factors as poor communication facilities, which militate to a large extent against the full development of the democratic process through societal emancipation.

Although some African governments are more representatives than others, and while some deliver more tangible benefits to their subjects, the uncontestable fact is that the majority of governments are repressive and exploitative of their subject's ignorance in relation to human rights. The African democratic balance sheet reflects a sad story particularly in regard to the rule of law. The letter and spirit of the constitution is in some cases pursued vigorously against opposition members, their supporters and ordinary citizens yet it is selectively applied where interests of incumbent regimes are under threat of the legal dictates. This occasions misgivings as evidenced by the observation that:

> The greatest malady of African politics is the unwillingness of the rulers to relinquish power. Entrenched in power by constitutions that have virtually made them kings, opposition to them is treason. Now it seems the only way a change of government can be effected in Africa is by beheading the heads of state. It is a crude option which regrettably seems to be the only workable one for Africa[154].

---

[151] Michael Bratton and Daniel Posner, *op. cit.*. p. 377-378.
[152] Oyugi and Gitonga, *Democratic Theory and Practice in Africa*, in *State. Conflict and Democracy in Africa, op. cit.*, p. 16.
[153] Zambian attempt to disqualify Kenneth Kaunda from contesting the presidency.
[154] Thulo Hoeane, "African Leadership," in *New African*, April, 1991 p. 4., cited by Ayittey, *op. cit.*, p. 14

81

This frustration may be shared by many Africans but are the beheading hands themselves free of blood thirst and blame? How many innocent souls will meet their unjustified fate in such circumstances and is there any guarantee on the future conduct of the beheaders? With all these questions lingering un answered, the remedy rests on the continental leadership to meet and comply with principled democratic challenges even where they are personally disadvantaged. It is high time the leadership made itself part of the solution than being part of the problem.

Another trend is the isolation of the educated who are informed and bound to know these political tricks but are decampaigned by rulers not only as a threat to their positions and previledges, but also as liars and "agents of the enemy". Since the rulers have control of the instruments of coercion, detentions without trial, closures of higher educational institutions, harassments and many other repressive acts become "legitimate" for the "protection of National interests" and the intellectuals are then branded the real enemies of peace, justice, order and progress in the definition of rulers[155]. This is intended to ensure that the status quo is maintained regardless of the decay. In condemning the intellectuals, the ruling elite deliberately applies a double edged sword aimed at two critical objectives thus, first, by condemning intellectuals as liars and foreign enemy agents, it effectively diminishes their mass enlightenment and emancipation potential to effectively deny the oppressed any chance of ever discovering the truth due to lack of alternative views to compare with what is provided by the government side. Ironically, it is the intellectuals who are termed ignorant and their cries for equality, justice and a halt to corruption are termed unworkable foreign ideologies[156].

Secondly by portraying the opposition and intellectuals as failures and disgruntled, the ruling elite perpetuate its own status quo and in some cases, it entrenches itself by intimidating the masses of the potential for danger, chaos, lawlessness and calamity should the masses make a mistake of listening and voting the opposition. In some cases, this is translated into practical actions as soldiers abandon professional ethic by climbing campaign podiums and declaring a potential crisis should the voters make a mistake of electing a candidate other than one preferred by soldiers. As anticipated, the

---

[155] Oyugi and Gitonga, *op. cit.*, p. 30-31
[156] *ibid.*, p. 31

electoral results have been the obvious with the military favoured candidates "wining by landslide" victories.[157] With landslide victories accompanied by intimidation, ballot staffing, access to public funds and other malpractices, the presumed "winner" 's conscious haunts him that he did not after all win genuinely and probably that he stood flatly defeated in a free and fair contest, the "winners" are quick to allege treason by the strongest opposition leaders so as to have them incarcerated and charged with treason. In the alternative, opposition leaders are intimidated into exile so as to drastically reduce their chances of staging up a future political challenge besides, his absence reduces the psychological haunt of the incumbent. With a credible opposition out of the way, with intellectuals dismissed as liars and agents of foreign enemies with a disregarded legislature and a window dressing judiciary, the ruling class has not been able to withstand the temptations of absolute power and its gross abuses.

Political persecutions have gone on unabated in the public sector with those suspected to have sympathy for the opposition starved of employment opportunities, tax bodies are at times unleashed against political and business heavy weights to compel them remain "loyal" to the incumbent regime or at best keep off political life. Faced with real or imagined threats to its existence, coupled with the failure to appreciate the complexities of modern state security, some states have fallen pray to the increased military expenditure at the expense of other key social-economic sectors year after year with no light seen at the end of the tunnel. With an economy in disarray, social services usually falling on the way side as the first causalities, the African big man tends to become more sensitive and fearful even of his own shadow becoming more intolerant, uncompromising and occasionally brutal. At that stage, most African leaders refuse to relinquish key institutional control and end up micro managing all institutions at the expense of the growth of those institutions and the country at large occasionally militarizing public roles and society generally for purposes of securing unquestionable obedience hence cementing Africa's culture of despotism.

---

[157] The Liberian elections on 1999 won by Warlord Charles Taylor

5.2 Value and Meaning of Democracy

In the words of honourable justice Marcus Einfeld A.O.Q.C PhD, "For those nations, which have seized upon democracy, it can become an indispensable and invaluable tool. If used properly and to its full capacity, it is a significant facilitator of national and global development. The value of democratic governance is in the power it gives to the people to choose their own leaders, organize political parties, and have access to a legal system that is open, just and administered by an independent judiciary loyal to the constitution and laws of the country, rather than to an individual or regime or executive."[158]

Justice Einfeld further argues that democracy is not something we possess; rather it is something that we "do", and as such it must be activated. He further argues that it is a process not an institution, involving more than mere acknowledgment of its existence. It is more than voting or being entitled to vote in elections. Inclusion and participation are essential to build the trust and accountability needed to create and sustain confidence in the quality of democracy. That democracy requires meaningful dialogue, detailed debate and careful consideration after hearing a broad chorus of its communities. Lack of participation poses a direct challenge to democracy. While leaders must exercise control in society, democratic power must be distributed equally amongst those over whom the power is to be exerted with capacity and awareness to check excesses of leaders. The right of all to participate is a key characteristic of democracy and cannot be dependent on factors such as wealth, education, social status or loyalty to a particular political thinking[159].

5.3 Empowerment as a Foundation of Democracy

The essence of Justice Einfeld's argument is that; for democracy to flourish, the constituent society has to be actively involved in the political and socio-economic management of its affairs. Perhaps one would wish to argue here that this remains one of

---

[158] Hon. Justice Marcus Einfeld A. O. Q. C. PhD. "Towards a more Participatory Democracy", Lecture, Sydney Australia, June 20, 2003. URL: http://www.chainreaction.org.au/misc/Marcus Einfeld-Participatory Democracy.doc.
[159] *supra*

the areas where Africa performs extremely below standards not because the continental managers don't know what to do but rather do the opposite purely out of selfish interest of remaining unchallenged. Most African leaders right from those of the pre-independence days who sought "civilization" may pretend to have a strong desire to educate their people but the reality is that behind curtains, they prefer and enjoy prevailing over an illiterate and primitive society because its only then that their selfish political agenda's can flourish unchecked by the masses. Accordingly the most urgent requirement for African democracy is empowerment of all strata of society starting with the most traditionally marginalized groups like women, children, disabled, the youth and others but this still remains at a low pace.

The way forward for the African union therefore is to devise a mechanism to empower society since it remains the most civilized democratic weapon that can check the excesses of administrative authority. What is happening across the continent is that the governing elites are aware of their social contract with the people they lead but the majority of the other party to the contract is unaware of the contract and its entitlements thereto and because the very contract is lopsided due to ignorance, the knowledgeable party is exploiting this ignorance to maximum. In most African societies, people are unaware of their rights and potential against the ruling governments and many believe that the leaders have the right and mandate to do whatever they want including but not limited to misappropriation of public resources, denial of freedoms, embezzlement, intimidation, imprisoning political opponents and many other political evils. Of serious concern is the mistaken belief that leaders have a right to block others from contesting leadership plus the fact that most of the African citizens don't even know that the funds leaders misuse or embezzle is their own money. They draw no linkage whatsoever to the national treasuries, their daily sweats plus the direct and indirect taxes they pay such that most governments would prefer maintaining and exploiting that status quo of ignorance.

The African Union may therefore talk about the rule of law but what law? The observance of such manipulated laws can always be such an easy-task for the ruling regimes and people may continue to be oppressed but some may elect to challenge incumbent governments through violence and disruption, which the AU is trying to discourage and stop by merely treating the symptom. Without a strong knowledge and

confidence empowerment of society, without a strong filling of job security, without the professionalism of security forces, manipulations by regimes will always sail through with ease because the few informed people fear to raise up their heads for the obvious consequences of being socially and economically starved. The private sector is still too small and too weak to put up a credible challenge and the few who dare stand up are dealt with through a variety of options such as harassments, intimidation, illegal detentions or unleashing tax authorities against them to disempower them of any economic capacities and render them irrelevant before the general public.

On the other hand, the civil society, which is the most active sector in empowering people on the continent, is classified by most African governments as being an extended arm of foreign powers. The African union therefore has to find a special mechanism that will empower the civil society to access and educate society about its rights and about the governance manipulation potentials so as to keep it on guard otherwise whatever a government official says in a public forum or in the media is in most cases taken as gospel truth. This is so because in terms of classification, the majority of these citizens are peasants and characteristically, peasants are the most loyal, most religious, most hardworking and a easily governable class of people. To most of these African peasants, out of ignorance and probably experience, challenging a government even for backtracking on its own pledges or on the very clear principles of governance is suicide. Therefore, without a proper empowerment, there can not be rule of law because, such law is occasionally manipulated and a hoax of some sort not intended for the general good that would have resulted in socio-economic developments but rather its intended to ease the life of rulers by making their challenge practically impossible.

The AU through the use of a strong civil society ought to break the chains of conspiracy between leaders. The continental body must develop the guts to identify an oppressive regime and be bald enough to isolate that particular ruling clique where its political and corporate governance standards are below the belt. The AU just like the European Union should actually condemn and belittle such primitive regimes while mobilizing the very government and its locals to work towards civilized governance as a criteria for joining others in development. The continent has suffered enough and may no longer afford revolutionary changes of government whether through coups or protracted

civil wars. There's need for more transparency and accountability as well as openness in the dialogue between all state management stake holders about issues that affect all citizens.

In order to maximize public participation, it is crucial for the government, political opposition groups, the civil society and the citizens to commit themselves to the true process of practical not lip service democracy, emphasizing and practicing fair play and remove all barriers that prevent others from full and meaningful participation in the democratic process, and non should assume to have an edge over the other in regard to the process because all ought be equal partners for the subsequent development of the society they claim to genuinely serve. National Laws like the constitution should be made equally fair and unfair to both friends and enemies of those making the laws allowing no shifting of goal posts at any given time to cater for National aspirations and fears.

Besides ignorance as already discussed, there's also an emerging apathy prevalent amongst the governed African elite and the middle class who for obvious reasons have lost faith in their leadership and harbour increasing cynism towards the leadership and the institutions they lead. They equally see no fundamental difference between the leaders of governments and opposition political groups questioning the utility of their voices with a feeling that their contribution is futile. To such resigned feelings, Justice Einfeld has advised that a single voice or vote can make a world of difference. That it took only one vote in 1776 to give USA the English language rather than German. In 1923 one voter gave Hitler control of the NAZI party. He further recognizes that while all of us may not possess the single minded grit and determination of individuals like Mahatma Gandhi or Nelson Mandela to selflessly strive for fundamental ideals, we all have the power and ability to engage the decision making arena and freely state and indeed press for our opinions. The public according to Justice Einfeld, is the fourth branch of a truly democratic government and this branch ought not squander its opportunities of imposing the necessary checks and balances on the elected and appointed public leaders and this is done by standing up against the so called might of government and questioning why this or that was not done. Africa more than ever before needs the empowerment of its ordinary citizens to uphold and propagate those few cases of a qualitative and selfless

leadership on the continent. At the same time, Africa ought to intellectually fight to defeat the prejudices and ignorance of a culture that hate and get embarrassed by the truth especially in the leadership.

While the notion of the end justifies the means may appear workable in the short term its not sustainable besides, it is a shame for African leaders to exploit the ignorance of the unsuspecting citizens where leaders can afford with ease to make u-turns and abandon the cherishing of the very promises and principles they have in the past so enthusiastically promised to uphold for the good of the nation and generations to come only to remorselessly turn around by pleading political dynamism. The AU has a good record of such developments and its current or future silence under the remorseless guise of the states internal affairs[160] and National Security at the expense of human rights could only confirm the commercial puff of repackaging the OAU product into the AU with no substantial value added hence the need for practical reforms.

5.4 The Idea of Non Interference and Non Intervention

The principles of non interference and non intervention have mostly benefited regimes and their key actors. It may be argued that the UN and the OAU charter provisions on sovereignty, territorial integrity, non intervention[161] and non interference of the member states [162] by another state have all along provided and proved the most protective and state insulating mechanisms playing in the hands of the ruling elite at the detriment of the citizenry. Well aware of this protection, most African regimes have violated basic and fundamental human rights of their subjects by unleashing terror and untold sufferings to their citizens making the first, second and third generation rights a privilege offered at the pleasure of the ruling elite because those being internally oppressed can expect no good Samaritan to come to their rescue.

In Africa, the natural consequences of these human rights abuses have in most cases been resistance and armed conflict that have led to death, destruction and untold suffering across the continent. Against the above background, in 1993 the OAU General

---

[160] AU Constitutive Act, Art 4 (g)
[161] Art 2 (4) and Art 3 (2) of UN and OAU charter respectively
[162] UN Charter, Art 27

88

Assembly decrying the devastation caused by armed conflicts on the continent passed the Cairo declaration by observing *inter alia* that:

> "No single internal factor has contributed more to the present socio-economic problems in the continent than the scourge of conflicts within and between our countries. They have brought about death and human sufferings, engendered hate and divided nations and families. Conflicts have forced millions of our people into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope"[163].

The magnitudes of human sufferings across boarders have raised debate on the necessity and legalities of intervention. The easiest and most readily available answer to these concerns has always been that the principle of state sovereignty, territorial integrity, non intervention and non interference in any other country's internal affairs as enshrined in the United Nations, OAU and African Union Charters form part of international law that prohibits states from interfering in the internal affairs of other states. Further that any forceful intervention into another state by any state must of necessity secure the sanction of the UN Security Council lest it violates international law. The UN under chapter VII of the charter may authorize intervention in cases of internal armed conflicts so long as the conflict constitutes a threat to international peace and security.

The doctrine of humanitarian intervention has its genesis in the ancient religious wars of the 16th and 17th century taking firm ground in the 19th century based on Christian orientations. Humanitarian intervention thus predates the UN charter of 1945. Other humanitarian interventions include the Post UN Charter Interventions of India in Pakistan in 1971, Vietnam in Cambodia in 1978 to overthrow the genocidal regime of the Khmer Rouge, Tanzania in Uganda in 1978 leading to the overthrow of Idi Amin's despotic regime. Against this background, Brown lie argues that the right of humanitarian intervention is acknowledged as existing by publicists since the end of the 19th Century[164]. However, there are several international legal instruments containing provisions against intervention in other state's affairs that finds expression in the UN General Assembly declarations on the inadmissibility of intervention[165] such as the

---

[163] OAU Declaration of a Mechanism for Conflict Prevention, Management and Resolution
[164] I. Brownlie, *International Law & the Use Force* (Oxford: Oxford University Press, 1963), p. 338.
[165] UNGA Res. 2131 (xx) 1965

friendly relations declarations[166] and the charter on economic rights and duties of states[167]. This was at the background of the long held international law and realist state centric concepts about the significance and automy of the state that emphasizes sovereignty as the pillar of the international law[168] which emphasizes that a state is not subject to any external authority unless it has voluntarily consented to such interference. In terms of treaty law, the Montevideo convention[169] on the rights and duties of states reaffirmed the 1648 Westphalia treaty by providing that no state has a right to intervene in the internal affairs of another. This was later to be embodied in the 1945 UN charter where Art 2 (4) and 2 (7) as well as Act 3 of the OAU Charter there of prohibits intervention and interference in a country's internal affairs by another based on the principle of sovereign equality of member states[170].

This realism principle of states equality is rooted from the 1648 Westphalia treaty and was adopted by international law to introduce concepts of sovereignty, territorial integrity, independence, non interference and the rule on non intervention as rules of customary international law. Consequently, almost all interstate relations and treaties establishing regional inter government organizations have always included the non-intervention rule[171]. Accordingly, in an international court of Justice between *Nicaragua vs. USA*, Lord Justice Settle Camara in a separate opinion observed interalia that:

> "the non use of force as well as the non intervention, the latter as a corollary of equality of states and self determination are not only cardinal principles of customary international law but could in addition be recognized as peremptory rules of customary international law which imposes obligations on all states[172].

However, it has been argued by human rights activists that states abuse this insulation of non interference and non intervention to grossly abuse human rights with impunity. Consequently, the question of human rights has seen an elevation from the domain jurisdiction of sovereign states to the universal focus and supervision. The

---

[166] UNGA Res. 2625 (xxv) 1970
[167] UNGA Res. 2625 (xxiv) 1974
[168] I. Brownlie, *Principles of Public International Law* Op.cit., p.287
[169] Art 8, Montevideo Convention of December 26, 1933
[170] UN Charter, Art 2 (1)
[171] Art 8, Charter of Arab League 22 March 1945; Art 18, Charter of Organisation of American States 30 April 1948; Art 32, Charter of the OAU 25 May 1963.
[172] 1986 ICJ Rep. 14

emerging concern for human rights is a revisit of the early argument of early international legal scholars like Hugo Grotius and Emerich de Vattel who argued in favour of Natural Law that:

> A prince by violating the fundamental laws gives his subjects a lawful cause for resisting; if by his insupportable tyranny, he brings on a National revolt against him, any foreign power may rightfully give assistance to an oppressed people who ask for its aid[173].

This school of thought in favour of forceful intervention propagated mainly by natural law proponents and modern human right activists is also legally backed by the UN charter[174]. However, in light of sister provisions under Art 2(4) and 2 (7) of the UN Charter, the subject of intervention has remained hotly controversial and contestable. In the African sense, there is a double edged fear of a purely realism perception of the anarchic international system in which some African leaders harbour territorial ambitions and others suffering from egoism and hegemonic complexes may be tempted into invading their neighbours. The leadership in Africa is mindful of the possibility of abusing the humanitarian intervention clause as a cover up for those ambitions and won't leave anything to chance hence their opposition to the provision. On the other hand, the leadership fears to expose its human rights record, obsession of power and its total objection to first generation rights in refusing to open up political space and allowing freedom of speech, expression and association. Right from the OAU days, the entrenchment and strict adherence to the principles of state sovereignty, territorial integrity and non interference played a key role in Africa's failure to protect human rights on the continent. Indeed Kindiki citing A. W. Chanda has argued *inter alia* that:

> Despite the well publicized atrocities of Idi Amin in Uganda, Bokassa in the Central African Republic, Marcias Nguema of Equatorial Guinea, Mobutu Seseseko of Zaire, Jaffaar el Nimery and Omar Bashir in Sudan, Siad Bare in Somalia, Mengistu Haile Mariam in Ethiopia, Samuel Doe in Liberia, Kamuzu Banda in Malawi, Arap Moi in Kenya

---

[173] Cited in Ezejiofor & Quashigah, "The United Nations and Humanitarian Intervention in the Contemporary World Situation" in Proceedings of the Annual Conference of the African Society of International & Comparative Law p.41
[174] UN Charter, Ch. 7.

and Gen Sani Abacha in Nigeria, the OAU has never criticized these leaders[175].

The excuse for keeping aloof was the leadership's loyalty and adherence to the charter provisions of non interference in the internal affairs of other states and given the fact that even the Constitutive Act[176] seem to reemphasize the same provisions, it casts doubts on the future of human rights in Africa and similarly the future of democracy and consequently the question of stability and development. Traditionally, besides the legal controversies, the concept of intervention has further been complicated by tying interventions to gross violations of human rights and genocide yet with the exception of the 1994 Rwandese genocide; where even then, the UN and OAU failed to intervene, qualifying and proving gross violations or genocide so as to attract the legal sanction of intervention by the Supreme authority[177] itself encourages the foundations of rights abuses in the initial stages that goes on unabated.

This shortcoming is well shared by the African ruling elite and perhaps the very reason why these abuses are almost similar and somewhat regulated, not in mass, and against selected individuals and numbers that won't tantamount to genocide but adequate to suppress other views and the emergence of alternative leadership and programmes. In other words, they know how to circumvent the law. For example, systematic killings in the Darfur region of South Western Sudan have been regulated to attract debate as whether or not qualify as a genocide despite tens of thousands dead.[178] Perhaps one may have to commend the good work of human rights activists and those progressive leaders in Africa who have enabled the progressive human rights gradual development on the continent through the adoption and promotion of pro-human rights instruments like the AU Constitute Act. The Act equally lays emphasis on the promotion of human rights, democratic institutions and the rule of law all of which amounts to democratic governance as emphasized in the spirit behind NEPAD. Under the new international human rights drive, there is hope that cover up under state sovereignty will gradually be neutralized and its probably then, that most of the leadership harvesting and

---

[175] Kithure Kindiki, "The Legality, and Applicability of Humanitarian Intervention to Internal Conflicts in Africa", *East African Journal of Peace and Human Rights* v. 7 No. 1, 2001, p. 42.
[176] Art 4 (g), (h)
[177] UN-Security Council/AU General Assembly
[178] See "The State in Darfur," *Weekly Citizen*, Kenya v. 7 # 40. October 18th to 24th, 2004. p. 4

feasting on the ignorance and related limitations of their respective societies will be brought to book for human rights violations, embezzlements and abuse of office.

On the other hand however, Africa is shying and hiding away from the bitter truth. The issues at hand affecting the continent negatively are political and socio-economic. There's need to embark on real and meaningful democratic governance if the continent is to register a sharp reduction to the conflicts and the negative growth it is experiencing. However, some people, have argued that Africa's major problem requiring first priority attention is poverty but save for most politicians whose disguised purpose in the above argument is to misdirect debate from the real issues of totalitarian rule and its bye products, those prioritizing poverty ought appreciate the fact that poverty is basically a bye product of ignorance and limitations of opportunities deeply rooted in the lack of political emancipation of the people. People can never be politically enlightened and economically emancipated in light of the single political tunes without access to alternative programmes for comparison and they will remain the same donkeys assured of their allegedly improved status on the Animal farm life styles. Besides, even those governments that are genuinely trying their best can never improve in the absence of a health and fair competition at all political levels. For Africans to develop their problem solving skills, they need the freedom to experiment and present their ideas to the people and government's primary duty is to encourage and provide such a conducive environment[179]

It amounts to wastage of time to engage in the unending debate of what came first between the chicken and the egg. Any serious person seeking to genuinely help Africa must of necessity give priority to democratic foundations because no amount of investment will last or be spared on the continent in the face of corruption, rampant abuse of office, the unending civil wars, disruption of the socio-economic strata where state cannibalization are deeply rooted in the absence of democratic values such as transparency and accountability. Lack of mass and institutional empowerment tends to bestow too much power in the hands of the African executive and when coupled with job insecurity, any human error, deliberate financial malpractices, selfish or inadvertent misdirection of the state by the chief executive passes as a great idea, full of wisdom even

---

[179] Ayittey, *op. cit.*, p. 208

when its evidently a blunder to the eyes and minds of his most adherent supporters for nobody can dare sound him out of the grave error he is undertaking. At the end, he automatically calls pray to a mistaken belief that he is all knowing and this is evidenced through desire to micro manage public institutions and departments.

It's against that back ground that Africa is viewed as a laughing stock to the developed world where countries with no basic medicine, with no roads, with primary schools under tree shades or even with some of their regions starving for food can afford to procure presidential jets of millions of dollars as a fashion for prestige purposes. What this means is that in the eyes of many of our leaders, National Security, is first and foremost the Personal Security of the rational actor and regime preservation such that, tens of thousands of citizens can be sacrificed and die of hunger or lack of medicine but secure a presidential jet as the national priority as evidenced by the controversial debates in many African countries the latest being Swaziland in early 2004-against national famine and relief food appeals.

In the circumstances, without the prequisite institutional transparency and accountability mechanisms right from the top, you can never have a public minded public sector for the requisite national development. With undemocratic or evidently tired leaders refusing to surrender the mantle of public management, you would be expecting too much to anticipate any reasonable political and socio-economic progress but a match time or at best a low pace development. As long as the African core continue to perceive itself as the sole capable manager thereby relegating and depriving other citizens of political and socio-economic opportunities, the natural consequence is state predation resulting from the cost of regime preservation followed by resistance and the resultant conflicts that go with it cannot realize the AU dream of political stability and economic development. Many leaders will continue to globetrot at taxpayer's expense with large family and political entourages in search for foreign investors and capital inflow but very few serious investors can take the risk of shifting and investing in countries whose political life span is unpredictable.

The other unfortunate part is that even for some of the foreign investors who get lured into autocratic states, very few ever invest in long range investments of National strategic significance opting to go for short term hit and run high yield investments for

fear of a cloudy political atmosphere. They will welcome government beuracrats like ministers at their business premises with all praises just to conform with the culture of un realistic empty praises but won't dare sound out their major fear of the political uncertainity opting to handle it tactfully through minimal investments that can allow abrupt wrap up and departure just in case. The requisite political and socio-economic stability for attracting economic investments goes beyond the rhetoric of merely assuring investors of security accompanied by a show of military prowess because the modern concept of security far outstretches physical security offered by the military. World serious economic power houses that could invest in Africa are mindful of the fact that unsettled political issues such as suppression of other peoples views coupled with modern technology can bring about the demise of their economic empires in just minutes with the military might helplessly looking on!!

The African problem is not a military question but a political and socio-economic problem that demands realistic democratic principles of transparency and accountability such that committing the available meagre resources on the AU standby Army which in the first place is not likely to be utilized is to deviate from real issues. Despite the negative historical past, Africa must stop lamenting for nobody owes Africa a living. The world has democratized and is globalising pretty fast, such that either Africa rises to the occasion or simply surrender to the merciless subjugation of the anarchic international system. Africa must develop the capacity to read between lines for example the 2004 G8 summit in Georgia had on its top priority Agenda democratization of the Middle East region and a stand by force for Africa as well as its debt reduction. The implication of this is that in the eyes of the G8, its economic chances of exploring the Middle East are evaporating pretty fast hence the need to act promptly. The North therefore prefers to prioritise and deal with the Middle East as the hot spot and it can afford to commit its forces in Iraq, Kuwait, Afghanistan, and Saudi Arabia in the name of advancing democracy. It can loose its troops to unprecedented levels in modern times but won't give up because its strategic interests are at stake. On the other hand, Africa is just another of those primitive sleeping giants, with vast resources and a virgin land whose exploitation can comfortably be suspended by ensuring the creation of its own force to maintain the status quo by way of peace keeping while denying it real capital and

technological inflow so as to economically keep it at match time till an appropriate opportunity that will allow the North to fully concentrate in the Management of its affairs.

In summary, the intervention provisions as well as the African stand by force do not address the real priority issues of the continent. Other than in a few circumstances of individual solidarity in re-instating an overthrown regime, its unlikely that intervention based on human rights abuses and violation will be sanctioned against an incumbent regime because the conspiracy syndrome is too strong to enable the AU General Assembly[180] as well as the individual commander in chiefs to sanction the involvement of their respective part of the stand by force to engage a sister nation. In addition there is a fear of setting a precedent on the very common anti-democratic practices of regimes on the continent. On the other hand, leadership will be more than willing to intervene if a "comrade" in the conspiracy is removed by the newly found "un constitutional" means. Such was the 2001 reasoning behind OAU's view in defending its decision not to invite Madagascar's Marc Ravolomanana considered by the then OAU as having come to power by unconstitutional means against long serving Didier Rastiraka the obvious electoral rigging by Rastiraka not withstanding.

The African leadership ought to steer clear of such double standards; the international community including the African mass itself is increasingly attaching importance to the protection of human rights. Reasoning within the confines of the Westphalia and Montevideo treaties, they evade intervening to protect human rights under the guise of "internal affairs" yet ready to enforce a sister state under an armed onslaught or mass uprising exemplifies double standards. In regard to the debate on the merits and demerits of humanitarian intervention, it can be summarized that an individual just like a state is part and parcel of the international community. Consequently, the principle of the exclusiveness of the domestic jurisdiction stops where human rights abuses begin. The right of humanitarian intervention exists as a concept in ordering the affairs of humanity to ensure that fundamental rights of citizens are protected and this is what is expected of the African Union.

---

[180] AU Constitutive Act, Art 4 (h)

5.5 The Mis representation of Democracy

It has been acknowledged that neither the long history of the existence of democracy as a political system, nor the debate around it offers a precise definition of democracy. As a consequence, almost all countries regardless of the type of political order and institutional framework have claimed to be "democratic" by retaining the term democracy in their political order hence "participatory democracy", "guided democracy" as well as Abdel Nasser's "partyless democracy" and Fidel Castro's "true democracy"[181]

This desperate effort of qualifying all types of rule including autocratic rule with democratic credentials has been most common in third world countries particularly Latin America, Asia and of course Africa where, leaders go to great length to show how their regimes derive their authority and legitimacy from the populace. To the contrary the fact is that some of their subjects, functionaries and more so their own conscious are well aware of the amount and extent of manipulation in securing this so called democratic mandate through unleveled ground either by way of early political campaigns, intimidation, access and misuse of public coffers before and during electioneering, manipulation of the electoral bodies as well as actual staffing of ballot papers and boxes or a combination of all those. Little wonder that most media houses worldwide will always announce most African election results of 70 to 99% [182] victories with the remarks "as widely expected" emphasizing the obviousness of the fraud. One simply needs to follow the commission proceedings in both print and electronic media to fill a sense of what normally transpires by the revelations by Kamlesh Pattni in the "famous" Kenyan Goldenberg scandal inquiry where he allegedly released from a would be state fund, a whooping K-Shs Four billion eight hundred million (4,800,000,000) the equivalent of US dollars $ 61.538461 Sixty one million five hundred and thirty eight thousand, four hundred and sixty one US dollars as campaign facilitation to the ruling party executives,

---

[181] Christenson R. M., *Ideologies and Modern Politics* (Thomas Nelson & Sons Ltd., 1972), p. 178.
[182] BBC Commentary on the Tunisian election results of October 2004 in *This Week and Africa,* October 30, 2004, 0530h GMT

cabinet ministers, local government administrators and others which is a sample[183] and probably more of what goes on behind curtains in most African elections.

In regard to the variety of definitions, it has been argued that despite the absence of a universally accepted definition of democracy, some authors have conceptualized and defined some basic characteristics cardinal to democracy being a political system that encourages the free and voluntary involvement of the people in the political life of the nation which include the right to make such critical decisions as the determination of the type and nature of the government to be established and the right to comment freely on important public issues that may confront the Nation from time to time. In other words, democracy ought guarantee among others the fundamental freedoms and rights of expression, assembly, speech, movement, association and choice. Important national decisions must emanate from a principled and un manipulated synthesis of the views of the people including those of the minority. These are the democratic rights that should not only be recognized and respected but should also be protected and guaranteed by the state. Regrettably for Africa, the cloud of uncertainty looms as the African leadership cris-cross on either side of the democratic theories for selfish interest and convenience.

When faced with economic demands and limitations necessitating reduction of government expenditure, they will embrace re-entrenchment of civil servants and site the economic efficiency of the western world. However, when faced with political demands and limitations like constitutional terms, they will condemn and rubbish the adoption of western styles to make a case for their continuity all in the name of democracy and development and such are the routine double standards that give rise to Africa's stagnation and crisis. In the contemporary liberal world, democracy requires the existence of strong and genuinely independent institutions through which the populace participates in their own governance. These include the Executive, the Legislature, the Judiciary and the electoral process all of which should without exception strictly adhere to the rules of the game and allow no manipulations from the other. If in the first place, leaders are fairly elected under the principle of separation of powers and in the spirit of serving as checks and balances on possible abuse of power by any of them, the people's

---

[183] See "Cash Cow; Pattni splashed out Shs. 4.8 billion on KANU in 1992", *East African Standard*, June 10th 2004, p. 1 & p. 18, Col. 1

98

participation in their own democratic process is attained, then the core assumptions of democracy are attained but if some of the institutions are prey to intimidation and manipulation of others, then such democracy is a mockery and will eventually be resisted no matter how long it takes.

Therefore, democracy rests on Fundamental freedoms and rights, voluntary popular participation in the political process, transparency and accountability of the rulers to the ruled. The political systems which tend to concentrate political power in the hands of a few people or one person or selected institutions and where the principles of transparency and accountability are compromised tend to undermine democratic politics and serve as a recipe for instability and this accounts for most of Africa's civil wars and the resultant stagnation and retardation. It is therefore not surprising that political discontent, disorder, dejection, denial, displacement, disruption, destruction, death decline and state predation have been the harvest of a democratic starvation such that, the continent once known for food exports has graduated as one of the worlds net food importers and food aid recipients.

5.6   Autocracy and Economic stagnation

One of the political programmes adopted by the Post Independence African elite was the introduction of autocratic one party rule that enjoyed political monopoly from the early 1960 to the mid 1980s. However, almost immediately after independence, support for democratic governance evaporated on all fronts and the doctrine of the mass single party rule under African Socialism as the vanguard of African progress took center stage in most African Nations under the guidance of some of the most charismatic leaders of the post independence generation like Habib Bourgba, Sekou-Toure, Kwame Nkrumah, Julius Nyerere and others. Considering the low level of education and the lack of empowerment, there was little resistance to the elimination of the fragile constitutional structures let alone the subsequent epidemic of military coups. Upon bagging independence, the next high profile item on the agenda was the uprooting of Neo colonial control of the economy presumably for rapid development.

During the time, political competition and opposition were extracted from the national debate to mobilize the requisite united and uninterrupted assault on under development. Consolidation of the state and Nation building required a soft landing by the removal of freedoms of expression, speech and association. It was argued and accepted with ease that concentration of authority into the ruling political party and its all knowing leadership was a crucial tool for a forced draft development and the assertion of economic sovereignty. It was similarly argued with no room for a descending voice that competitive democracy was alien to Africa and a luxury poor and young Nations of Africa could not afford. In the course of the first post independence decade, inspirational examples of swift economic transformation lay in the Eastern bloc. The Soviet Union and Chinese Economic models were progressive schemes to emulate. Afro-Marxism was embraced without an in depth analysis of the admired economic models like the Chinese Great leap forward which incubated an appalling catastrophe of thirty million people perishing under starvation or other policy related causes[184].

Neither state socialism nor radical anti imperial nationalism appreciated and attached importance to constitutional democracy. Most development economists of the day were sympathetic to state led development. To add insult to injury, was the cheap popularity job seeking support offered to the tyrannical regime by some of Africa's brightest brains who facilitated repression by their unreserved support singing and hailing tyrants as "saviours" and thus sold out in return for an appointment or a Mercedes Benz. Some professional standards, ethics, integrity and probity were sold off by Africa's "educated" to win favours in a situation that saw some journalists flouting the imperatives of their own profession of objectivity and balance to please autocratic regimes.[185] There was no credible counter to this emerging state decay. Former colonial powers preferred preserving their economic advantage and privileged links while the human rights movement was by the time in its infancy, too weak and scattered giving scanty attention to Africa.

The Anti-colonial democracy call was a one-stop journey against colonialism without a return ticket, and after all rhetoric for independence struggle beyond which it

---

[184] Crawford Young, "The Third Wave of Democratization in Africa" in *State, Conflict and Democracy, op. cit.*, pp. 17-18
[185] Ayittey, *op. cit.*, p. 295

was superfluous leading to the tide of deep-rooted authoritarianism on the continent. Under the *defacto* and *de jure* one party states, it was illegal to form an opposition political party and it was argued that the single political party system had a democratic mechanism that allowed everybody to compete for any office in the country under the same umbrella despite the fact that the top most offices were unofficially out of question. Wanyande has further argued *inter alia* that apart from ensuring that no one would organize and form an alternative party to the ruling party, the fact that parliament passes a law proscribing such parties is often cited by some governments as evidence of support and therefore of the legitimacy of their decision to establish a one party system of government[186]. One party proponents argued that:

> Where there is one party and that party is identified with the
> nation as a whole, the foundations of democracy are firmer
> than they can ever be when you have two or more parties,
> each representing only a section of the community[187].

They further argued that the people of the continent held common or identical political views that could easily be accommodated in a single party set up. That Africa was still under developed and needed to concentrate on economic development rather than politics and that party politics was divisive along ethnicity and such it was important and necessary to organize politics in Africa along single party lines as a means of fostering unity and socio-economic development. In August 1991, Kenyan President Daniel Moi proclaimed that "as for multiparty politics, Kenya was at 200 years behind the west and therefore should not expect to see multiparty democracy or fully guaranteed rights such as the west enjoys until a similar period had elapsed"[188].

These arguments attracted President Clinton's attention in his September 27, 1993 address to the UN General Assembly thus:

> Today there are still those who claim that democracy is simply not
> applicable to many cultures and that its recent expansion is an
> aberration-an-accident in history that will soon fade away, but I agree
> with President Roosevelt who once said "The democratic aspiration is

---

[186] Peter Wanyande "Democracy and the One Party State; The African Experience," in *Democratic Theory and Practice in Africa* by Oyugi and Gitonga, *op. cit.*, p. 71.
[187] Nyerere J. K., "Democracy and the Party System" (Dar es salaam, 1962), cited in *Democratic Theory and Practice in Africa* by Oyugi and Gitonga, *op. cit.*, p. 72
[188] *The Washington Post*, September 9, 1991. p. A 20

no mere recent phase of human history. It is human history" ...
Democracy is rooted in compromise, not conquest. It rewards tolerance,
not hatred. Democracies rarely wage war on one another. They make
more reliable partners in trade, diplomacy and in the stewardship of our
global environment. And democracies, with the rule of law and respect
for political, religions, and culture minorities, are more responsive
to their own people and to the protection of human rights[189]

The implications of these arguments are that to the single party protagonists, any social difference in any African nation was without significance meaning and required no specific articulation through the medium of different opinions. However, after mounting pressures, single party regimes sought to renew their legitimation by adopting the Tanzanian model of competitive contests within the single party organs leadership and parliamentary seats but notably without challenging the top jobs in the party and in the country, which remained a dictate of the chief executive.[190] Interestingly, competitive elections organized under the limited democratic environment in the one party system registered displacements of roughly a half of incumbent parliamentarians in Tanzania thus providing some sort of limited outlet for public discontent expression. Ordinarily this should have served as a mirror to the autocracy that if only the people had that freedom even the so-called "popular and strong" leaders would not remain in office. By 1976, against the realization of the relentless popular discontent, some African regimes like Senegal started democratic openings by abandoning single party models, followed by Burkina Faso, Gambia and Mauritius which in 1982 was the only state that offered greater political opening without any electoral process meddling and ended up with the former ruling party losing all the 60 directly elected seats in parliament[191].

Indeed Nations like Ghana, Nigeria and Sudan attempted to venture into democratic opening but soon slipped back into military and autocratic rule[192]. In the midst of these changes, autocracy and misrule resulted in the inevitable economic stagnation and decay to the extent that the majority of the African leadership through the OAU acknowledged the development impasse in the Lagos Plan of Action that evaluated

[189] B. N. Ahuja, ed., *The World's Great Speeches* (New Delhi: Goodwill Publishers House, 2001), pp. 68-70.
[190] Young, *op. cit,* p. 19
[191] *ibid.* . p. 20
[192] *ibid.* . 1969 and 1979, 1979, 1965 and 1986 respectively

the debt crisis and the economic stalemate. It was against this background that the World Bank teamed up with the IMF and other donor countries to venture into policy based lending to propose vigorous economic liberalization programs as a condition for debt re-scheduling and a replenishment of development aid. Its here that Neo-liberalism and structural adjustment programmes entered the lexion of African Political Economy. There was no point of return mainly because the situation required urgent attention and the African traditional recourse to the socialist camp of political and economic leverage from the Eastern bloc had gradually vanished as evidenced by the rejection of the Mozambican Application for membership in the Council for Mutual Economic Assistance as well as the 1982 lukewarm reception, and a rebuff of a Ghanaian delegation that sought a radical soviet backing to its economic crisis.

Around the same time, the REAGENOMICS and Thatcherism through the "Washington Consensus" had resolved on free market policies and liberal democracy as the universal torch bearer for peace and development conditioning external assistance to economic liberalization. Meanwhile, a deliberate Western sponsored sustained programme discrediting state socialism coupled with outspending the USSR on nuclear programmes led to the fall of the Berlin wall and the total collapse of socialism thus, making liberal democracy and economic reforms the only available game in town for the Africans to embrace. However, African Liberalism suffered some set back when the anticipated economic recovery of the continent through the structural adjustment program failed with disastrous effects to the verge of a continental uprising against western economic policies. As the western world and the Brettenwood Institutions made the strategic retreat on Africa's political economy, influential voices within and outside Africa began to argue that political reform was a necessary concomitant of economic liberalization. It was argued in favour of liberalism that the prebendalization of the public realm had created a state incapable of effective macro economic management and that without a demoralization of public institutions, accountability and transparency, economic liberalization was a dream that could never be sustained attained.

With the vanishing of state legitimacy conveyed through economic buffeting, the state virtually became irrelevant in the eyes of citizens across several lands on the continent and the patrimonial management of power at the center has since increasingly

become under more threat and scrutiny. The government resource base and the related expenditure has overtime attracted the evaluation of the Brettonwood Institutions as well as the local tax payers thus drastically limiting the state lubrication of clientelistic networks. Though not yet fully effected, a wave of democratization that aimed at the curtailment of state clientele expenditure coupled with a check on state impunity started in 1988 with gradual positive progressive results. Around the same time, internal and external factors had started sparking off dramatic events across the continent. Doors of political competition were forced wide open in Algeria. By 1989, the long-term ruler of Benin, Mathieu Kerokou failed to secure external credits resulting into his government's failure to meet the monthly pay roll attracting mass protests of the civil service and other stakeholders like professionals and the general public. Unable to resist or manipulate civil society, Kerokou had no option except acceding to their demand for a national conference from which they seized political power and formed a transitional government. Similar National conferences successfully drove incumbents from power in Niger, Congo Brazzaville and Madagascar but those in Gabon, Zaire and Togo failed nonetheless after impacting changes on the rules of the political game. In Zambia, the Nation's founding father's past good work, tainted by his failure to pass the test of statesmen by timely alighting from the fast moving political train received a rude awakening and a humiliating dismissal from the MMD's Chiluba led labour union.[193] When a leader fails to steer clear of temptations of perpetuity, opting to claim possession of solutions to all puzzles and challenges, opting to name himself titles like Maradona and Professor of African politics for Ibrahim Babangida and Daniel Moi respectively, not only does he become a liability to his nation by undermining economic development and suppressing the emergence of National leaders, but a liability to himself, his family and his own close associates as his miscalculations to defy even the laws of nature opens him up to a floodgate of questions, review and scrutiny of his whole conduct of public and private affairs more so at a time when he no longer enjoys public mercy and sympathy.[194] Kaunda's dismissal by the Zambian electorate emphasizes that he, just like many others had fallen victim of his own empire of sycophants who kept misleading him of his

[193] 1991 General election won by Fredrick Chiluba
[194] See "Prosecute Moi. Lobby argues President failed to halt genocide during his tenure," *Daily Nation* (Kenya) September 18, 2004, p. 36.

popularity as the Nation's founding father but forgot that the role and any related suffering in such liberation struggles gave him no ownership rights over the party, the country and its presidency[195]. In the midst of chaos however, democratic elections were promoted as part of the remedial prescription to several civil wars on the continent and such elections in Sierra Leone, Liberia, Angola, Mozambique and others registered remarkable success in re-establishing some minimum state legitimacy, order, reconciliation and reconstruction.[196] In 1994, the world witnessed the demolition of apartheid in South Africa via the majority rule verdict[197].

In the eyes of stakeholders particularly the citizens and the international community, the New wave of African democratization deep towards the end of its second decade is yet to mark its real impact. However, regardless of its controversy, democratization remains the current dominant political discourse on the continent proving more durable and enthusiastic than the decolonisation campaign[198]. Nevertheless, the enthusiasm accompanying the arrival of political liberalization has registered evaporation in the midst of imperfections against a hostile economic and political environment. The formidable challenges not withstanding, several countries have moved beyond the initial stages of transition to the more intricate processes of institutionalization. However, Young observes interalia that "in a number of other cases, initially promising transitions have side tracked, but without necessarily being entirely compromised or abandoned. In some instances, incumbents have strung out the transition process in such a manipulative manner that democratization has degenerated into a permanent charade, devoid of its initial credibility. That in only a handful of instances can one speak with reasonable confidence of consolidation, measured by at least a second equitably managed set of competitive elections reasonably open to opposition parties.[199]

---

[195] Ayittey, *op. cit.*, p. 298
[196] Article on Governance by World Bank Official Landell Mills cited in Crawford Young, "The Third Wave of Democratization in Africa" in *State, Conflict and Democracy* by Richard Joseph, *op. cit.*, p. 24
[197] Nelson Mandela led ANC convincingly want the first multiparty elections
[198] Young Crawford, *op. cit.*, p. 25
[199] *ibid.*,

5.7 The Mutuality of Liberal Tenets

Except for the very few, most of the African leaders say and pledge one thing and do something in exactly one hundred and eighty degrees from their initial position. The leadership in Africa has been corrupted with the sweetness of power to the extent that it suffers no remorse and it's common to see or hear leaders going against their own voluntary set objectives, promises & pledges including those in national statutes as well as their own authored literature and documented key pronouncements for political expediency. This conforms to the observations of Madison, Jefferson and Mason in regard to power when they respectively said: It is in vain to say that enlightened statesmen will be able to adjust clashing interests[200]. As for Jefferson, he noted that unless politicians and public officials were kept under the direct eye of their constituents, the result would be corruption, plunder and waste[201]. Agreeing with Madison, Thomas Mason said that from the nature of man, we may be sure that those who have power in their hands.... will always, when they can... increase it[202].

However, with the exception of the majority of African leaders who say one thing and do the opposite for selfish reasons, some of the U-turn actions are out of a genuine conviction as shared by Medi Mugyenyi[203] who argues that while developing countries are committed to both development and democracy the two are not concurrently achievable and greater emphasis be laid on one. Mugyenyi contends that Africa's challenge is to promptly decide which of the two is more urgent. He prefers development which he justifies with the reasoning that democracy normally comes in small installments behind development and that it comes to protect accomplishments of development thus prioritizing development first and democracy second. He further acknowledges that there's interpenetration between development and democracy and that it is possible this interpenetration increases in depth and scope as the two processes take root in society.

---

[200] Hamilton *et. al., The Federalist* (New York: The Colonial Press, 1901), p. 47.
[201] Birch A.H., *Some Reflections on American Democratic Theory; Political Studies* (23 London: Oxford University Press, 1975), p. 227.
[202] Dahl R. A., *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), p. 8.
[203] Medi Mugyenyi, "Development First Democracy Second, in *Democratic Theory and Practice in Africa, op. cit.*, pp. 150-151

Mugyenyi argues further that the history of various countries at different levels of development suggests conflicting accounts for their pace of development. In different cases, some countries may have registered rapid development most significantly during democratic epochs like Western Europe. In others, both democracy and development may have co-existed like India, Japan, and S.Korea. In some cases, development may have been registered during the height of autocracy like the Asian tigers. That socialist and communist thought on development is highly suspicious of liberalism up to date because the socialist thought is concerned less with liberty and more with the discipline of the common good. Mugyenyi's argument may sound strong mainly because they are factual examples however; Africa has tried this economics first policy for over two decades with more less devastating outcome. Indeed right from the mid 1960's onwards, if one's shopping list has among its priority products intense autocracy, the best shopping mall with the most purified product and yet with the best consumer friendly prices is the dark Continent of Africa.

From the 1980's to date, the argument for and the experiment of developmental politics at the expense of civil liberties and freedoms in Africa and the benefit of the doubt enjoyed need not be over emphasized. Indeed, the option operationalised for the last two and half decades accounts for most of the armed conflicts across the continent and we need no recast of the damage occasioned. Indeed another striking political development was the phenomenon of military coups which became so rampant such that between 1963 and 1985 sixty one coup d'etat occurred on the continent and by 1990 much more before the recent Somali, Rwandese, Liberia, Burundi, Ivory Coast, Uganda, Sierra Leone and the Sudanese Darfur massacres, conflict had accounted for far more than six million five hundred thousand death across Africa[204]. This sets the ground in favour of the only remaining option of a combination of both development and democracy at least for experimental purposes its registered successes in most lands globally notwithstanding. One may also take issue with the argument for autocratic development attributed to the economic recovery in the South East.Asian states. While autocratic rule of a relatively disciplined and charismatic ruler may register considerable

---

[204] Ruth Leger Sivard, *World Military and Social Expenditures* (15th edition, Washington DC: World Priorities, 1993), p. 21.

economic growth mainly due to strict discipline, what is never analyzed and told is how much such a society would have developed with such discipline under a democratic environment. Political liberalization and civil liberties does not of necessity entail indiscipline or chaos. Indeed political freedoms, liberties, respect for human rights and the rule of law as core tenets of democracy entails among others the conduct of public affairs diligently according to law without fear or favour. One cannot claim to be democratic with nepotism or any other favouratism under his or her rule as is the case for most of Africa. The implication of the above is that if an organized, hardworking society enjoyed its political and civil liberties and generally operated within the law, the amount of economic progress registered would be far higher than that registered under an autocratic regime. There is always a tendency to fall in the trap of assessing such progress against the background of the failed economic state prevailing prior to a new form of autocracy and fail to consider the potential of trade and other income generating human transactions such as tourism in a free democratic environment.

When analysing development registered under autocracy, one should always be mindful of the invisible curtailment such autocracy has had on the investment opportunities as well as the morale of the working force. Some people have simplified and prioritized the argument for the option of development against democracy by arguing that whatever the amount of liberties, poor people will always be a source of trouble and that when courts awards damages in a democracy there ought to be capacity to pay. Granted, but that reasoning forgets that ordinarily, a democratic environment creates investment and employment opportunities in a liberal economy that addresses the poverty. In the circumstances, any tenacious experimentation of "the development first theory" can only serve to prolong the selfish lifeline of leaders most of whom naturally fear the stiff competition under a democratic environment for obvious reasons.

5.8 Political & Economic Liberalisation

If there's one area the African leadership has made serious attempts to live up to, is its own pledges in the liberalization of the economy. One may of course argue that this is due to the inevitable pressure from the Brettonwood twins but how come the political democratization demand has not been complied with similar dimension? The answer lies in the conspiracy between the north and the leadership of Africa. This may perhaps be exemplified by the leadership strategy to tap external economic interventions on the mistaken view that respective economies will miraculously recover and perform wonders thereby winning internal and external approval. This is what Mbembe has termed the "recomposition" of authority systems in Africa which is about presentability targeted at influencing world opinion[205]. Here, the natural tendency of the African regimes has been to protect existing political structures and the re configuration of social forces that sustain their power and control which Pye describes as a wide variety of systems partly authoritarian and partly free[206].

For long, attempts to introduce market economies have been more sweeping than the adoption of liberal democratic systems winning with it some economic stabilization capital inflows. Regimes have tactfully responded to liberal democratic demands upon realizing that they actually did not have to practically democratize so as to access some financial inflows. They simply had to make public pronouncements abandoning state monopoly of political ground. However, in practice, meaningful democratic features have remained suspended while imbalanced regular elections serve as a curtain and lubrication against routine western pressure for democratic reforms. Meanwhile, in what appears the conspiratory deal, most African leaders have toned down the voices for unfair trade relations and particularly the imperialistic tendencies of the Brettonwood Institutions. In the circumstances, Africa's opposition political parties have been allowed to exist occasionally without the freedom to traverse and campaign across the countryside. Both the print and electronic media are presumed free to operate with occasional state intimidation and harassments and other anti press freedom measures.

---

[205] Mbembe A., "Democratisation and Social Movements in Africa", *Africa Demos* v.1 # 1-4,
[206] Pye Lucian, "Political Science and the Crisis of Authoritarianism," *American Political Science Review* 84 # 1. 3-19 (1990), p. 4.

Civil groups are allowed to function with some level of intimidation along with measures to limit them from transforming into robust civil organizations. As for the North, it has toned down on real democratic tenets and talk of reasonable environment. These semi competitive systems are enough to cater for their geo-political interests such that the original demands for "good governance" have been diluted to "acceptable governance"[207]. The regimes are pretty aware of this loophole and are exploiting it to maximum. This is the jinx of the matter. If the African Union is genuinely interested in democratic governance, then it should not consider relaxation of democratic demands as an advantage because, besides postponing the problem, the Africans themselves are not leaving misrule to fate hence the numerous armed conflicts with all the devastating accompaniments are bound to continue. Besides the universally discredited war option, African-regimes ought to be reminded that the success of their approved liberal economic policies hinges and is delivered on the conveyor belt of democracy short of which it can never flourish.

This is self explanatory given the fact that two decades after the introduction of liberal economic policies across the continent, the presumed recovery, stability and prosperity has remained elusive. To the contrary, the emerging view is that the state in Africa is basically the root cause of most of the continent's evils. It's the very state that is corrupt embezzling public funds and practicing nepotism and patronage as well as being the very state that mismanages the public affairs. The concept of the "acceptable governance" can in no way create the enabling environment and the much needed confidence for the market and private sector to thrive. The African state can no longer ignore the need to reconstruct itself with structures and institutions conducive for inculcating genuine democracy such that the African democratic project ought to be fully factored into conceptual apparatuses. The concept of a liberal economy and liberal democracy cannot be divorced and there can never be a successful trade off between the state and the market[208]. The struggle is not new; the popular agitation for political reforms has always been a constant factor of Africa's political history and is not about to wind up in the absence of the ultimate goal of genuine democracy.

[207] Colien Herman J., "Good Governance, Democracy and Citizen Expectations in Africa", *Africa Demos*, v. 3, # 4 (1995), p. 5.
[208] Olukoshi, *op. cit.*, p. 460.

Without inviting debate, the two most demanded products have for long and still remains democratic governance and economic prosperity with each complimenting the other. It makes no logic sacrificing political freedom for more incomes, because they will never materialize and if they do, they are not sustainable. It is true that at the end of the day, the hottest product is economic empowerment of the individual and ultimately the state through a free market economy yet, it won't withstand a non-democratic environment that is devoid of freedoms, liberties and rights. The relationship between liberal democracy and liberal economics is so close and intertwined with each surviving on the foundations of the other after all, freedoms expounded by democracy are the very freedoms that lubricates the freewheel of the markets. The notion and culture of competition in a democracy is the very competition extended to the markets. Likewise, the liberties and freedoms expounded in a democracy are the same liberties extended to the market. Under a liberal economy, the notion of free markets in a free environment forms the foundation for economic progress. A free market in the liberalist sense therefore champions limited government rationality and believes individuals should be free from arbitrary state power and persecution. It expounds and advocates political freedoms, democracy, constitutionally guaranteed rights, liberty of the individual, human dignity and equality before the law. To an entrepreneur, autocracy and the absence of the rule of law could end up with armed oppositions or the government's nationalization of his estates and such are some of his genuine fears. These are the ideas realized in recent democratic transitions and manifested in the current globalization of the world economy[209].

As earlier stated, economic development will not appear to Africa simply because heads of states have summoned it. It's supposed to be an outcome of deliberate and clear political and socio-economic policies by a government and its people. No serious investor will waste his resources and time to invest in a country considered undemocratic where leaders are beyond reproach in terms of transparency and accountability. Businessmen are no longer ready to continue paying taxes whose expenditure explanation is at the mercy of the state and more so unquestionable. In some cases, even those early bird investors who, might have been misled to rush their capital deployment decisions,

---

[209] Burchill, *et al.*, *op. cit.* , p. 29

are bound to keep dwindling away. Worse still, local entrepreneurs if not convinced of the democratic and stability prospects start shifting to other locations or simply withdraw from investments and just keep off due to an unpredictable political or economic environment, hence un employment, abject poverty, narrowed tax base, panic within government, antagonism with donors, professional and civil society organizations. This has tended to attract and result in disagreements with the donor community, intimidation and arrests of human rights activists and political opponents and subsequently a reign of excessive terror often paid in its currency through armed rebellions with devastating implications to the community hence the continued African crisis. Surely Africa has had enough of all this stuff and the ordinary person who has been the greatest victim of this crisis involving the semi God rulers against the warlords is desperately seeking salvation and many have argued that all they want is stability, peace and freedom the rest would follow.

According to the UNDP human development report[210], democracy can do more and extends beyond our usual focus. It contributes to political stability and peace crucial for economic development. Open political space creates an atmosphere for peaceful resolution of conflicts. Democracy is a form of regime that has the incentives to act in the interests of the people. When more than economic growth is considered, democracy can work to put in a political dynamic that responds to the social and economic priorities of the people and contribute to reducing poverty and promoting human development. In a democracy, freedoms of speech, expression, assembly, movement and association among others along with the free circulation of information and open space for public debates coupled with the fair and genuine elections can remove despots and non performers. Liberalism argues that it's those principles of democracy that can check the abuse of power as well as protecting the people from economic and political catastrophes.

While agreeing with Olukoshi's[211] view that democracy has an element of process, the concern is his caution against what he terms "Western democracy". Western Europe just like any other region may prefer and wish to continuously lay claim to anything good or an achievement such as democracy. However, once a concept has been

[210] Sakiko Fukuda Parr, "Promotion of Democracy", (Speech, Marrakech – Morroco, December 2002).
[211] Olukoshi, *op. cit.* , p. 457

112

received, improved upon and embraced by the entire world, it becomes a universal principle and ceases to be national but international. Any continued baptism and reference to universally accepted principles as "Western" can only serve to play in the hands of African rulers for an excuse to dismiss those principles as alien while selectively applying them in conditions that suits them personally hence the need to guard against such temptations. Besides, a continued reference to universal principles as Western establishes a psychological edge of superiority and inferiority which does not augur well with African development. In Africa, it is common to hear selective interpretations of the law or the enaction of pro-regime yet generally Anti-public good laws. Indeed Olukoshi contradicts himself when he observes and rightly so, that it is no longer enough to simply say that the actions of government were in accordance with the constitution and the law especially when the constitution and other laws can themselves easily be turned into instruments of exclusion and oppression[212].

There are many African states and leaders who have turned the violation of human rights especially the first generation rights on political freedoms a matter of public policy and Julius Nyerere cautions them by observing thus:

> There is a continuing need for an extension of human rights through the world; that surely is incontrovertible. We can not rest where we are because some of us are comfortable or content. Those of us who are free to develop ourselves and our nation have no right to demand that the oppressed, the victims of discrimination, the starving and the persecuted, should acquiesce in their present conditions. If we do make such a demand, we are ourselves becoming their persecutors and their oppressors... We have no right to be patient with the wrongs suffered by others[213]

It is indubitable Nyerere's plea has gone unheeded and the African Union ought to be mindful that in many of the African countries, political reforms have not been consolidated and at best left for window dressing. The executive continue to exercise undue interferences and manipulation of the legislature and the judiciary and its excesses are spotted in electoral and human rights body jurisdiction and courtyards to the

---

[212] Olukoshi, *op. cit.*, p. 456

[213] Julius Nyerere, *Freedom and Development. Uhuru na Maendeleo* (Dar es Salaam: Oxford University Press, 1973), p. 2.

detriment of society. The Civil society and the media re gagged and restricted to limit the magnitude of people empowerment with knowledge. Much of the media operate subject to government control and appeasement short of which an iron fist hand will be stretched to curb any tendencies of media independence. Political parties are far from institutionalized and virtually disappear between elections. Much of the so-called opposition does not even appreciate its role with some obsessed with a greedy desire to capture political power at all costs. Some of the opposition embarrassingly opposes people friendly legislation just because it's from a government they vowed to oppose and to make matters worse, while many opposition members will cry out publicly for democracy in national politics, their own houses have not been visited by democracy for years or decades such that at the end of the day, they lack the moral authority to check sitting governments which have exploited this advantage to the detriment of the general good. In Africa, opposition politicians act as robots literally opposing even what is obviously in the best interest of their constituents such as decampaining medication just because it's from a government one vowed to oppose.[214]

Expressing his dismay with the African opposition, Ayittey argues that while the primary impulses of the African dictators are well known as being to perpetuate themselves in power, loot the country and squelch criticism, they succeed not so much because of their ingenuity or craftiness but because of the inadequacies and weakness of the opposition for a force dominates either because a counter force is non existent or its weak. The African, opposition has been hopelessly fragmented, disorganized, and prone to squabbling. In 1991 there were 120 opposition parties in Zaire, with 48 parties in Mali. Most of the opposition leaders in Africa are themselves closet dictators, exhibiting the same tyrannical tendencies they so loudly denounce in the leaders they hope to replace. Many are obsessed with political power and are grossly intolerant of criticism[215]. In emphasizing his argument, he accounts that in 1991 when the 120 Zairean opposition parties met in Brussels to chart out a strategy against Mobutu Seseseko, at least three Zaireans were injured in the violence that ensured in the meeting over leadership and the story was not different when the so called Liberian Anti Samuel Doe

---

[214] See "Show down as Ngilu, Musila clash," *Kenya Times* November 1st 2004, p. 2. Also "Musila ejects Ngilu from his home turf," *The Standard* (Kenya) November 1, 2004, p. 6.
[215] Ayittey, *op. cit.*, p. 297

pro-democratic groups met in Washington DC in 1989 failing to agree as to who was to be the next president.

In the circumstances, the African Union ought to be mindful that considering the level of confusion and backwardness in comparison with other continents, Africa can no longer afford the diversionary debate of what to start with between democracy and development. The luxury of selectively embracing one at the expense of the other is too costly and meaningless to Africa. Given the failures of all other trials as discussed here in before, Africa may have to adopt market driven Liberal democracy albeit cautiously. The AU cannot be seen to argue that both democracy and development believed to posses the potential to improve people's lives are after all irreconcilable. In circumstances where the choice has not been conditioned to one of the two options, Africa needs a paradigm shift, one informing that the choice between democracy and development is not an either or one. It is indubitably possible to have both democracy and development premised on the idea of social justice. No body stands the capacity to compel a united Africa to adopt a particular policy or model but Africa's biggest undoing is deeply rooted in the failure to selflessly identify its common values which should inform the basis for unity and the desired destiny for the African Union's challenge is to make social justice every member state's deliberate first choice programme.

Democratic governance is about governments doing things that convince people to believe they have a stake in government and governance. It's about even handedness particularly in divided societies like Africa for without it, domination, discrimination, poverty, exclusion, marginalisation, oppression and deprivation ultimately take center stage resulting into conflict. The AU and its member states ought to treat challenges of development, peace and human security as social justice that forms the pillars of democratic process because Africa will neither test development without democracy nor democracy without development. In a nutshell, delivery of democratic governance is not limited to the regular conduct of elections but the human development centrality of democratic governance lies in the mutual and fair relationship between the citizens and the state. [216] Here, human rights and civil liberties stretch far wider and with greater relevance than elections of political office bearers. It also implies that institutions of

---

[216] "Deepening Democracy in a Fragmented World." *UNDP* (2002).

115

power and power itself should be structured and distributed in ways that gives real voice and a hearing to the poor people and address their basic concerns and needs hence the notion of social justice. This requires the establishments and strengthening of institutions capable of holding without fear or favour powerful individuals and institutions accountable be they politicians, corporations, NGO or other influential actors.

The need for strong, independent and publically conscious institutions can not be over emphasized. The African Union and its genuine development partners ought to re-evaluate the cumulative cost of shying away from curtailing despotism and misrule in its midst. It costs millions of dollars to broker just a temporary ceasefire or peace accord and the related peace support operations besides the uncertainty of whether or not it would hold, the amount of human and material destruction resulting from armed conflict is too much to invite an estimation. Africa is not without remedy to these short comings, the first step towards checking the rampant electoral fraud, illegitimacy, misrule and corruption is for Africa to empower the masses with knowledge about their rights while the AU should consider taking over the full macro and micro management of elections in its member states as well as considering the adoption of a leadership code to guard against some of the embarrassing political manipulations that turns the continent a laughing stock of the world.

5.9 The AU challenges of Economic and Political Integration

The African Union Renaissance embedded in the NEPAD plan is intended to discard African overdependence on foreign aid calling for an explicit appreciation of Africa, her values and solutions in the efforts of enhancing own development. However, instead of advancing an optimistic attitude towards efforts and practices of African initiatives, the leadership is more obsessed with enticing the so called development partners who for natural reasons are not interested in Africa's emancipation because the better Africa becomes the worse for them. The leadership ought re-constitute Africa into a free continent by taking full responsibility of own challenges and remedial measures through the development of an active rather than docile citizenry, a social political system

that encourages the establishment of democratic structures, riddance of political repression and an adequate provision of social security.[217]

Liberalism, one of the major contenders of international relations theory, has been prescribed by the African Union and NEPAD as the answer to the African crisis of inter and intra state conflicts, refugees, famine, state brutality, genocide, banditry, diseases, ethno-religious persecutions and deprivation among others. However, the lukewarm performance of the prescription to the problem is not due to the ineffectiveness of the solution rather, it is not administered in accordance with its classical formula yet this is not by default but by design through a conspiracy between the core of the core and the core of the periphery. The operationalisation of liberalism is faced with two major contradictions. On the one hand, there's a general global trend towards liberalization that has caught up momentum worldwide where Africa cannot escape the wind of change. On the other hand, operationalisation of liberalism is seen as an opportunity for a marriage of convenience between the leadership of the core and the leadership of the periphery herein called the conspiracy. Like any other state in the international system, African states seek to accumulate power but still lack the tactics of harmonizing economics, politics and security. In this endeavor, the majority of African rational actors are lost at the theoretical junction of realism and liberalism, two of the most outstanding theories of international relations.

To realists, the state is a unitary rational actor in the midst of unpredictable actors in the ever conflicting anarchical world without a world government where the use of force is the most efficient means of resolving disputes and the prevention of the violation of territorial integrity thus qualifying power, the most important concept of the realism theory.[218]

Liberalism is an international relations theory that seeks to reconcile order (security) and justice (equity) within a given community emphasizing cooperation attainable through free trade transactions. It's a political concept that advocates for the importance of the individual and mutual benefit founded on ethics and morals between opposite parties emphasizing the individual and the key role of institutions as opposed to

---

[217] Sammy K. Rutto and George K. Njoroge, *The Democratization Process in Africa* (Nairobi: Friends of the Book Foundation, 2001), p.73.
[218] Dougherty and Pfaltzgraff Jr., *op. cit.* , p. 63

the state in the international system. The liberal concept of democracy is rooted in values, norms, probity and virtues aimed at enhancing the common good and as such, it cannot be super imposed. Consequently, where these values and norms are not appreciated and rooted within societies and states, one cannot externalize them for they have no foundation to spring from and as such, there's no liberalism to relate to in the interstate relations.

As early as 1517, a liberal philosopher Desderio Erasmus emphasized human cooperation and interstate relations thus, brought to surface a liberal theme that war is unprofitable, to overcome it, the rulers must desire peace and perform kind gestures in relation with fellow foreign sovereignties in anticipation of reciprocity.[219]

In the study of international relations, interstate relations is a function of foreign policy and while foreign policy has numerous definitions, Modelski looks at it as the process in which the state adjusts its actions to those of other states to minimize adverse effects and to maximize on the favourable ones. Foreign policy is defined by the rational actor and formulated in accordance with the national interest as a country's set direction in terms of self-preservation and development. Therefore, operationalising liberalism in Africa as pursued by the NEPAD relates to implementation of liberal policies within the context of interstate relations itself a foreign policy function.

5.10 Challenges of operationalising liberal policies in Africa

The challenges of operationalising liberal policies in the African interstate relations ranges from the colonial legacy and the traditional animosity of theories between liberalism and realism through the dictates and contradictions of international law to models of foreign policy formulation within which stakeholder's political, cultural and socio-economic interests are embedded thereby attracting a multi-disciplinary approach. It is further argued that the biggest obstacle in African interstate relations is in the weakness of its leadership and the apparent conspiracy between itself and the core of the North. It follows therefore that an operationalization of liberalism in Africa cannot avoid discussions of the foundations of the colonial era, conceptual definitions,

---

[219] *ibid.*, p. 9

118

arguments between realism and liberalism as contending international relations theories just as it cannot evade definitions and arguments for foreign policy models and international law dictates.

5.11 Meaning and implications of key terms

As a definition for common terms here in, a theory has been defined as a symbolic construction, a series on inter-related hypothesis together with definitions, laws, theorems and axioms. It sets forth a systematic view of phenomenon by presenting a series of propositions or hypothesis that specify relations among variables in order to present explanations and make predictions about the phenomenon.[220] In international relations, liberalism relates to the belief in the supremacy of the individual, the significance of ethics and morals as well as the mutual cooperation and benefit between opposite parties arguing that free markets and political competition frees the individual from arbitrary state power and enhances inter-community cooperation thereby reducing causes of war.[221] Besides Modelski's definition, to both Russet and Starr, foreign policy is a set of actions intended to realize goals a state has set for itself. In the words of Martin Dixon, international law comprises a system of rules and principles that govern the international relations between sovereign states and other subjects of international law such as institutions.[222]

Cooperation relating to interstate relations falls within the realm of countries' foreign policies which entails governments positioning and adjusting their international relations by applying different forms of pressure for which the success or failure of a chosen policy will be determined by the national interest hence the real power of a given state in terms of political, military and economic might as the dependant variables available for use in the propagation of national interests. As for National interest, it's meant to define the aggregate of factors that guarantee the survival of the nation. It cannot be declared in statutes but it's a sixth sense that evolves with the nation's history and national experience. It entails those basic and core values such as national security

---

[220] ibid. . p. 22- 23
[221] Burchill, et al., op. cit. , p. 29
[222] Martin Dixon, *Text Book on International Law* (4th edition, London: Black Press, 2000), pp. 17-22

and the free exercise of sovereign power which a nation cherishes and strives to preserve at any cost.

Colonial legacy refers to the track record system entrenched and left behind by colonialists. On the other hand, realism which informs most of Africa's statecraft goes by its name and seeks to describe and explain the world of international politics as it is rather than how we might wish it to be. Accordingly, to the realists, like Machiavelli, Thomas Hobbes, E.H. Carr, H.J. Morgenthau, G. Kennan and others, the world is revealed to them as anarchic, a dangerous, insecure and unpredictable place where violence is regrettable but endemic.[223] To realism therefore, man is evil and in a system devoid of the world government, the states self help for its survival embedded in the accumulation and retention of power can only be ignored at the state's peril. Therefore, all proponents of realism see the world in a state of anarchy due to the absence of a unified authority to enforce law and order. Indeed, the Osborn's concise law dictionary affirms this fear by defining international law as a law of imperfect obligation in as much as there's no sovereign superior to enforce it.[224]

Realism advocates unanimously agree on the state as the principal actor in the international system and the competitive nature of politics among nations with emphasis on the accumulation and retention of power as paramount.[225] Realists further argue that there's no higher legal authority than the state and that realism treats the world with suspicion, where the ultimate but by no means the only way in which states survive is through the self help of arming themselves against each other resulting in the balance of power also termed legitimate national interest[226] whose focus downplays ethics and moral values. They contend that however much states form alliances of cooperation, they ultimately have to rely on their own means of power to ensure their survival, hence the principle of a state's self help for survival. In emphasis, Thomas Hobbes observes *inter*

---

[223] Burchill, *et al.*, *op. cit.*, p. 70
[224] Leslie Rutherford and Sheila Bone, eds., *Osborn's Concise Law Dictionary* (8th edition, London: Sweet and Maxwell, 1993), p. 183.
[225] John Baylis and Steve Smith, *The Globalization of World Politics* (2nd edition, New York: Oxford University Press, 2001), p.142.
[226] Herz, *op. cit.*, pp. 157 - 180

alia that man has a perpetual and restless desire for power after power that ceaseth only in death.[227]

5.12 Foreign policy dimensions

As earlier noted, the challenges of operationalising liberalism in the African interstate relations are rooted in a multiplicity of theoretical appreciation and practice by the various actors as conditioned by the operational environment which both Harold and Margaret Sprout have renamed the TRIAD model that looks at actions of the actors, the operational environment and a combination of the two. In modern times, the theory of liberalism which informs the AU and NEPADs development agenda mainly entails free trade and the withdrawal of government from commerce to allow people's union through trade otherwise called economic liberalism. It emerged in France in the 17th Century when thinkers known as physiocrats like Francois Quesnay spoke out on behalf of bourgeoisie farmers and merchants against policies of rigid regulation of industry and trade by the state whose heavy taxes, price fixings, import and export regulations stifled free initiative and hindered economic growth.[228]

This liberal economic view was later injected with promotional ideas of scholars like Turgot, John Locke, David Hume and spiced by Adam Smith through his book 'The Wealth of Nations' of 1776 in which he insisted with persuasive eloquence that the growth of a nation's economy is a natural process and does not require management by the state. He argued that national wealth would naturally keep growing at a certain rate as the amount of work performed increases, provided economic processes are allowed to operate freely, without the interference of such artificial barriers of ignorance, superstition, counter-productive custom, and governmentally imposed limitations. That international trade was not a zero sum game in which one state can gain only at the expense of another or others; rather it's an activity potentially beneficial to all participants. That if the division of labour principle enhances the well being of families within the domestic economy, it is absurd to ignore its advantages in the trade among

---

[227] Michael Oakshort, ed., Thomas Hobbes, *Leviathan* (Oxford England: Basil Blackwell, 1946), p. 64.
[228] Joseph J. Spengler, "Physiocratic Thought," in *Sills International Encyclopedia of the Social Sciences* cited as IESS Vol. 4 pp. 443-445.

nations by erecting tariffs to protect inefficient producers and to keep out goods that can be bought more cheaply abroad than can be made at home.[229]

Such were the conceptual foundations upon which subsequent liberal scholars such as Rousseau, Kant, Doyle, Hoffman, and others expounded on the parameters of liberalism as preconditions for a peaceful world order to include among others, the preference and active practice of democracy over aristocracy, free trade over autarky, and collective security over realism's statism, self help and survival based on the balance of power doctrine. To Kant, peace can be perpetual and the laws of nature dictated harmony and cooperation between peoples as opposed to tension and wars propagated by realism. A common thread running through liberal thought, from Rousseau, Kant, Cobden to Schumpeter and Doyle is that, wars were created by militaristic and undemocratic governments for their own vested interests but that war was an ailment, a cancer which human beings, themselves, had the capacity to cure with the twin medicines of democracy and free trade.[230] Contrary to realism, which is constantly suspicious of man's evilness and the anarchic international system with no unified authority, liberalism believes in human cooperation through free trade, democracy, the rule of law, respect for human rights dignity and the role of institutions in uniting communities founded on ethics and moral values culminating in regional integration. Ernst Haas defines integration as a process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new center, whose intentions posses or demand jurisdiction over the pre-existing national states.[231]

It is precisely the above values that form the foundation and challenges of operationalising liberalism in the African interstate relations against the sharp contradictions of colonial history, realism, foreign policy models and principles of international law. Without being discursive of the often told colonial distortion of Africa's gradual growth, the arbitrary subdivisions of Africa where centuries settled communities were sliced into different countries to unfriendly communities has had its contribution on the many deep-rooted conflicts as bye products of the colonial legacy of

---

[229] Dougherty and Pfaltzgraff, op. cit. , p. 421
[230] Burchill et al., op. cit. , pp. 32-34
[231] Ernst Haas, The Uniting of Europe (Stanford CA: Stanford University Press, 1958), p. 16.

divide and rule.[232] The said sub-divisions were so un-proportional leading to numerous territorial disputes that in the midst of mutual suspicion demand constant policing in the realism oriented African states. The continental road network allows no linkage between member states as colonialists constructed only main roads to the sea and single airports for their easy in and out jetting. This has provided and contributed to the challenge of lack of common values against which to construct the necessary institutional framework for integration as a function of operationalising liberalism.

The colonial mode of education was geared towards training lower and middle class clerical assistants as opposed to technical skills and the legacy has taken long to be addressed such that the continent has very few technical staff to embark on its functional integration. With such technical barriers in the background, coupled with language barriers, the Mitrany functional integration model could not be operationalised and a fertile ground had already been cultivated for mutual suspicion for the realism approach to statism, self help and survival through arms races, tensions and interstate wars. These and many other disparities in the states do not allow a facile cultivation of meaningful common values to form the basis for inter-state cooperation outside sheer sentiments of race and the lamentations over the shared underdevelopment.

Besides the above, the invasion and capture of the indigenous African culture strips her bare of any common cultural values as a foundation for common interests and this has greatly contributed to Africa's failure to identify a common enemy for the requisite rallying point where some states of the same region turn to each other as the enemies hence the constant mutual mistrust. Regional integration is not developed by accident but is gradually founded on profound cultural values, norms, integrity and probity and such was the case with the European Union integration that was founded on Christendom, the influence of European traditional courts, and the roles of the monarchs that endevoured to preserve and promote norms, values and virtue. The dismantle of Africa's steady cultural growth and its administrative mechanisms denied her that much needed common values and norms for integration as a foundation and conveyance for liberalism. The mutual mistrust environment concretizes the sharp African divisions to

---

[232] Fage J. D., *A History of Africa*, 3rd edition, *op. cit.* , pp. 215-244

form the barriers that frustrate interstate cooperation and forms part of those challenges frustrating the continent's cohesion.

It is also interesting to note that most of the animosity between African states that undermines their mutual cooperation is externally rooted by way of colonial power differences and seedlings left behind in form of languages, religion and social values as well as the global ideological divide in which African states despite being mere ponies on a chase board were made to foot and fight proxy wars. Unfortunately, while the Cold War is long gone and the principal proponents of the extreme divide in USA and Russia are engaged in close bilateral transactions, Africa is yet to recover from her proxy war scars such that to date many states nurtures programmes aimed at settling those Cold War clashes against each other. There's no mutual respect and cooperation to talk about to the extent that most individual African states trade in the range of seventy percent with former colonial powers, twenty percent with other countries mainly the developed world and only ten percent with fellow African nations, thus underpinning the level of African indoctrination to applaud and treat in high esteem the exploitative and divisive forces at the detriment of Africa's own cooperation, integration and progress. Indeed, the interstate relations based on the technical cooperation as envisaged by Mitrany conditioned by cooperation across state boundaries is not yet attainable in Africa mainly due to differences in cultures especially language and the difference in technical training syllabuses which contrary to Mitrany's advise on functional integration leaves this process in the hands of politicians and bureaucrats of unrelated technical skills.[233]

In the typical African case, the most crucial decision making organs in terms of regional integration bodies such as the African Union, ECOWAS or SADC is the General Assembly comprising of heads of state who are very busy and pre-occupied with their own state internal dynamics with little or no time to attend to regional matters when their own roofs are on fire. Most of the African leadership whose government's operational theory is rooted in realism cannot buy any idea that tends to reduce their hold and influence on to power. They have no faith in institutions, most decision making is by single all knowing strong men re-affirming their dismissal of alliances and coalitions as

---

[233] David Mitrany, *The Progress of International Commitment* (New Haven CT: Yale University Press, 1933), p. 61.

incapable of providing that critical protection a country may need at odd hours when national interests are under threat. Therefore, to the realist oriented leadership of Africa, despite the advantages of addressing security threats at a regional and system level and in spite of the prospects of a more cost effective regional security policy than the individual security strategy, the African rational actor is still more inclined to the notion of anarchy and self help believing strongly that threats are best met specifically as they arise and that the measures to counter such threat are best organized under their personal and direct control.[234]

In practical terms of the AU Operations, the General Assembly with its varied interests meets for only a day or at best two coupled with spending most of the time in bilateral interactions of resolving boarder conflicts as opposed to multilateral business leaving little room for group dialogue on common objectives. This is contrary to Leon Lindberg's perception of integration where he sees it as a process in which nations forego the desire and ability to conduct foreign policy and key domestic policies independent of each other seeking instead to make joint decisions to a new central organ. For most of Africa, the state is pre-occupied with state survival, social security and a guideless war against corruption in the midst of autocracy and nepotism as well as the dream desire for economic emancipation which according to Mitrany, such pressing problems could best be addressed outside the politicized context of ideology and nationalism because a thickening web of cooperation finds solutions to a wider spectrum of issues.[235] However, the African realist's fear lies in Morgenthau's argument that as long as the world is divided into nations in an anarchic global setting, the national interest is the essence of politics defined as the struggle for power and that once its survival is assured, the nation state may pursue lesser interests such as commercial interests later.[236]

Relatedly, the foreign policy of a country which among others entails interstate relationship is shaped, formulated and influenced by a country's international relations theoretical framework. If a country like most African countries do see the world in the anarchical context, then commerce and interstate cooperation will be sidelined for

[234] Barry Buzan, *People, States and Fear. An Agenda for International Security Studies in the Post Cold War Era.* (2nd edition, Boulder Colorado: Lynne Rienner Publishers, 1991), pp. 332-334.
[235] Dougherty and Pfaltzgraff, *op. cit.*, p. 152
[236] Hans J. Morgenthau, *Politics Among Nations* (New York: Knopf, 1948), pp. 11-14.

defence in the protection of national interests. Such foreign policy as engineered by Graham Allison's rational actor model tends to vigorously pursue power, lopsided economic gains and prestige thus tends to be provocative and tension packed, allowing little room for operationalising liberalism in terms of mutual cooperation and commercial promotions across international borders.

In the circumstances, K. J. Holsti's[237] national interest oriented three level foreign policy model entailing the core, middle range and long range interests does not apply either. This is because for most of Africa, the would be candidates for the first category of the core interests in terms of respective immediate neighbours are the vowed or declared enemies of either sides and instead of mutual confidence and trust, its mutual suspicion mistrust and war. Accordingly, most of the neighbouring states in Africa undermines each other's political, economic and social programmes including, but not limited to sponsoring insurgency with a misconceived objective of maximizing on the neighbourhood's state collapse in total disregard of the potentiality of the crisis spillovers to the region. Consequently, there's an interchange between the category of the core being the immediate states with the would be number four category being those states at the extreme of the international level. This explains why African states trade and prioritize cooperation with their colonial masters and the developed world more than they do with their immediate neighbours. This type of environment poses a serious challenge that it cannot allow for the cultivation and promotion of the requisite ecological Triad model that sets for the operationalisation of liberalism among African states.

Another challenge is to be found in principles of international law; it reflects first and foremost the basic oriented character of world politics where units of formal independence benefit from equal sovereignty in law and equal possession of the basic attributes of statehood enshrining such values like non-interference, non-intervention and territorial integrity.[238] While those legal provisions are in many aspects necessary to guard against aggression within the context of the 1648 Westphalia peace treaty, they occasionally promote negative independence and stand as a stumbling block to efforts of

---

[237] Holsti K. J., *International Politics: A Framework for Analysis* (3rd edition, New Jersey, Engelwood: Prentice Hall, 1977), p. 51.
[238] Malcom N. Shaw, *International Law* (4th edition, Cambridge: Cambridge University Press, 2003), p. 37.

regional hegemonic drives towards integration and serve to delay or frustrate the process of integration.

5.13 The Conspiracy Surrounding Liberal Tenets

Besides the theoretical obstacles, there are serious organizational weaknesses within Africa that impedes operationalisation of liberalism. The liberal tenets of human cooperation founded on ethics and moral values are evidently absent due to the self centeredness and corruption of the leadership. This has created disparities in both the mode of governance and the socio-economic status of communities leading to civil strife, hunger and conflicts. As a result, the economies crumble and the interstate relations become so lopsided in favour of the more stable and productive nations that have turned unstable states as perpetual markets. This has occasionally frustrated economic integration as the less developed states like Uganda, Tanzania, Niger and Liberia have tended to delay custom unions in the EAC and ECOWAS respectively. Within the confines of foreign policy, the other challenges are to be found in James Rossenau's six levels model of foreign policy influence which include the character and background of the leadership, the role of the decision maker in relation to pursuit of personal or common good interests, the government structure in regard to an active and democratic government, the character of society in relation to values and norms as opposed to a moral degeneration and cultural turmoil in society, as well as both the international relations and the world system whose intrusive powers dominate and drag the African elite into unfavourable relations. These relations are designed to attract African decision makers to countries of the north and deter them from sub regional and regional cooperation as suspected to be the drive by the G8's efforts to divert the OAU from Gadhafi's original African Union notion for a non – committal programme of NEPAD.

This situation is exacerbated by the refusal of the African elite to abandon its loyalty to the colonial masters so as to positively conspire for a more meaningful mutual cooperation within the continental borders for the common good. This avails the continent to the extreme manipulation of external forces and a hostile international system of globalization giving further credence to the suspicion of a conspiracy between

the African comprador class and the core.[239] The international system itself weaved on the foundations of liberalism directly and indirectly frustrates any attempts by African states to establish meaningful and mutual benefit interstate cooperation outside the developed world's role reaffirming the north – south divide. This situation is best exemplified by the frustrations the OAU and AEC suffered at the hands of the Brettonwood institutions and bilateral donors as they thought to pull resources and work out their own common development agenda.

This is further exemplified by the negative attitude and the cool reception the 1980 Lagos Plan of Action received from the developed world and international regimes who accused the Plan of over ambition, insufficient attention to the private sector and ignoring reforms in the public sector necessary for the stimulation of growth. As an alternative, the World Bank came with its preferred version of Africa's economic recovery titled "The accelerated development in Sub-Saharan Africa" which claimed to be focused against corruption, bad governance, huge bureaucracies in favour of withdrawal of the state from the economy and the *laissez-faire* principle of opening up markets starting with the privatization of public enterprises.[240] These new policies conveyed under the structural adjustment programmes did not only forcefully retire public employees but also withdrew vital social services in the education and health sector through the introduction of cost sharing. This state of hopelessness and insecurity that followed the SAP implementation contributed to a crisis of confidence between the African leaders and the led, however, despite its stinkingly abominable terms, the African leaders could not mobilize the guts to reject and dismiss the hostile policy for fear of the Brettonwood Institution's counter response on handouts otherwise termed donor Aid.

In the late 1980s, Africa, through the ECA, came up with yet another plan of her own to SAP titled 'Africa Priority Programme for Economic Recovery" (APPER) later constituted into the United Nations Programme of Africa for Africa's Economic Recovery Development (UN-PAAERD) but the World Bank could not let go of Africa and instead opposed and frustrated UN-PAAERD coming up with yet another program titled the 'African Alternative Framework to Structural Adjustments Programme for

---

[239] Joseph E. Stiglitz, *Globalization and its Discontents* (London: Penguin Books, 2002), pp. 204-209.
[240] Peter Anyang Nyong'o, "From the Lagos Plan of Action to NEPAD: The Dilemma of Progress in Independent Africa," (Lecture, Pretoria, S. Africa June, 2002).

Socio-Economic Recovery and Transformation' (AAF-SAP) which created mixed feelings of a SAP – mafia with devastating consequences. As a counter measure, Africa through the ECA in collaboration with the UN, produced the UN-ECA 1990 Arusha document and the UN supplemented it with its own 'New Agenda for the Development of Africa' (UN-NADAF) but the IMF and World Bank were not yet done, they, with no remorse rejected and frustrated the programmes as unworkable.

The above examples and other African regional bodies' challenges suggest that if the AU is genuinely interested in African integration, it must be prepared for sustained challenges for besides the African leadership's weakness, the developed world through international regimes such as the IMF plays a key role in the conditioning and choice of African infrastructural development that tends to frustrate horizontal interlinks between neighbouring states. As such, there are virtually no driving socio-economic forces for the growth of cross-border commerce and subsequent integration. The testimony to this is the two decades frustration of the trans African highway from Mombasa all through to Accra which the IMF and the World Bank did not only refuse to fund but even cautioned respective countries not to undertake. Indeed, one of the weakest points of frustrating interstate liberalism has been in the key area of transport and communications. While the road network is so disjointed and de-linked, the situation is no better with Air transport where flight and most telecommunications connections within the continental cities is via European capitals[241] thus making African inter-state linkages too expensive to sustain.

At a diplomatic level, both bilateral and multilateral assistance has at times even gone to the extent of conditioning African states on which country to deal with and which one not to, and countries like France normally dictates such terms in her former African colonies as was the case against Libya. Pressure is currently mounting on many southern African states to shiver relations with Zimbabwe. Here, individual countries are besieged between loyalties, whether to keep closer to a poor neighbour or ally with the rich distant "friends" against the neighbour in which the only face saving option is still found in the collective voice of SADC as a regional body to resist external pressure.

---

[241] Schwab, *op. cit.*, pp. 148-149

5.14 Overview of the African Integration Bodies

Efforts of African interstate relations through liberal policies of integration have occasionally suffered frustrations at the hands of colonial rivalry like has been the case with ECOWAS where the regional major colonial powers France and Britain have fought proxy wars to maintain spheres of influence occasionally sponsoring coup detats and confrontational invasions from neighbouring states. Indeed some of these states are only independent in theory as evidenced by foreign military bases in Mali, Cote de Voire, Chad and others to oversee foreign interests. France has employed her deep-rooted influence with the west African Francophone states to stall progress of the English speaking dominated 1975 formed ECOWAS by sponsoring the influence of the 1970 formed Francophone oriented communantè economique de L'Afrique de l'oust (CEAO) and to many scholars, the compatibility of the two organization especially in the area of liberalization in the same region was doubtful and a potential for conflict from the onset. [242] It therefore comes as no surprise that some of the civil organizations engineering resentments against foreign firms like Shell in Nigeria on account of environmental protection or labour union rights have regional offices and coordinated from neighbouring capitals where ELF, a French oil company is entrenched and vice versa.

Another example of an African sub regional integration body frustrated by similar challenges already discussed is the 1964 Union des Estats d'afrique centrale (UDEAC), a loose Central African regional body aimed at maximizing opportunities through integration that was developed and expanded from the 1910 "Afrique Equitorial francaise – (AEF)" aimed at the regional coordination of financial policies, transport and communication, economic affairs as well as scientific research. By signing the 1964 Brazzaville treaty, the five member state of UDEAC comprising of Central African Republic, (CAR), Chad, Gabon, Congo and Cameroon had agreed to eliminate restrictions on commodity movements between member states, to set up external tariffs outside the regional territory, removal of trade barriers and harmonization of all national economic policies particularly in industry, investment and transport and even agreed on the creation of a solidarity fund to address the socio-economic disparities between the

---

[242] S. K. B. Asante, "ECOWAS / CEAO: Conflict and Cooperation in West Africa," in *The future of Regional Integration in Africa, op. cit.*, p. 74.

more developed Gabon and Cameroon and the less developed CAR and Chad.[243] Unfortunately for UDEAC, realism was at its best and the member states leadership in typical African rational actors style could not maximize on mutual interests opportunities. They, beside colonial past leanings ended up seeing integration as a zero sum game leading to internal grumbling, tension and the withdrawal of Chad and CAR from UDEAC in 1968 to form the Union des Estats d'Afrique Centrale – (The Union of Equatorial African States) from which the CAR broke off to rejoin UDEAC after deep rooted ethno-religious divisions led to clashes between CAR and Chad.

The same problems were experienced with similar forces at play that brought about the collapse of the successful 1967 born East African Community when the cold war proxy politics were pitted between Kenya and Tanzania just as the core selfishness, the antagonism and egoism of rational actors frustrated the failure of the community to meet for years till its eventual collapse in 1977. Taking the successful story of the East African community as a case study, virtually all the five of the Brucan Silvin's foreign policy elements of the natural material base, societal structure, contingency factors, state system and the leadership which equally encompasses Harold, and Margaret Sprout's Triad model of the rational actor, the operational environment as well as the relationship between the two above, are best exemplified in the foundations of the EAC collapse. The EAC case can be taken as a continental representative sample of the nature of obstacles and the forces at interplay in operationalising liberal policies in the African interstate relations aimed at intergration.

While the initial EAC formation leadership of Nyerere, Kenyatta and Obote shared values and a sense of history, including sharing educational institutions, colonial history, societal and cultural values as well as all being independence strugglists and founder members of the OAU, other interests eventually took their toil on the operationalization of the regional body. In regard to the natural material base, Kenya's geo-strategic advantage in terms of her population, geographical location and the level of commercial development over her neighbours tended to empower her exploitative temptations and enhanced her bully like behaviour just as it would not avoid attracting

---

[243] UDEAC: *Traite Instuant Une Union Douaniere et Economique de L'Afrique Centrale*, Brazaville 1964 Articles 1 and 2.

opposite envy. In terms of societal structure and inherent forces, the East African region was not exceptional as the ethnic and cultural disparities especially those in Uganda's entrenched Kingdoms gave a lukewarm attitude to the wider federation of East Africa and these were influential forces behind curtains that contributed to the eventual failure of the EAC integration. Contingency factors were best exemplified by the coming to power of the notorious Idi Amin whose barbaric mannerism had no respect for the old statesman in the name of Julius Nyerere. Indeed, they were the same contingency factors at the final stage of the EAC when the three heads of state disagreements and failure to meet for years climaxed with a rush for the loot of the EAC property with each country abruptly closing the boarders and literally nationalizing every community asset within the respective boarders at the material time, disconnecting the life support system of the already incapacitated EAC hence its collapse in 1977.

The state system had its fair slice of the EAC system particularly when the two largest entities of Tanzania and Kenya failed to steer clear of the Cold War conflict and offered their countries as satellites of ideological proxy wars. The two countries foreign policies drifted into antagonistic propaganda and agencies of espionage between the Eastern and Western blocs leading to mutual mistrust and frequent closure of common boarders along repeated provocative utterances that tended to interfere with the free interstate flow of the human and material resources. Indeed at the center of all the above elements was the most determinant of the background character and quality of leadership. This was a factor that literally featured strongly across the three EAC member states. Besides the ideological conditioning of Jomo Kenyatta and Julius Nyerere, there was the evidence of that Harold and Margaret Sprout's rational actor character in the EAC leadershp. In Julius Nyerere, you had a hardliner and philosophical African nationalist with a regional hegemonic appetite who had little regard to admirers of Western models of governance and production. This brought him in direct collision with the character of Jomo Kenyatta an inward looking and home satisfied achiever, a proud leader who preferred to identify with the west, establish an industrial base that would eventually market in the neighbourhood leading to the vicious cycle of the resentment and the despise hence the resultant failure of the two leaders to meet under the EAC umbrella.

In Idi Amin, the region had a flamboyant but illiterate colonial soldier whose background and accidental rise to state power afforded him no foundations of leadership and thus denied him the basic tenets of inter-state and public relations management. This was best exemplified by his inept failure to publicly expose the 1973 Tanzanian sponsored and backed Ugandan exile's surprise invasion attempt of Entebbe Airport and Kampala via the Lake Victoria waters for which Amin rushed his military response with a counter attack of Tanzania. This provided Nyerere a rare opportunity of internationally exposing him as an invader against which Tanzania was entitled to self defence. This less documented but factually true failed 1973 invasion of Uganda by Tanzania further exemplifies a rational actor's willingness to take risks in the character of Julius Nyerere. He undertook a risky venture of a foreign based surprise capture of a government which initially failed with the unfortunate capsizing of one of the invader's ferries. However, due to Idi Amin's militaristic statesmanship and poor international relations management, he failed to tap and exhaust his foreign policy options of exposing Tanzania and rushed his otherwise justified self defence which Nyerere turned into an opportunity to lay a good foundation for the eventual confrontational invasion of Uganda by Tanzania in 1979 pleading self defence.

Again, in Idi Amin, you had a rational actor who antagonized his neighbourhood by laying territorial claims on account of colonial misrule as exemplified by his territorial claims over Kenya. He further injured the western world dominated tourism industry by providing sanctuary to anti-western and anti-Israel Palestian fighters plus humiliating the British empire thus providing a stimuli for the already hostile operational environment for the East African leaders while the external force's desire to isolate and exclude Amin translated in the incapacitation of the EAC operations. Such are the examples of foreign policy interplay elements and factors that stand as challenges in attempts to explore African interstate liberal policies of mutual co-operation and development. Just like the AU, the newly revived EAC seems to be stuck in the mud of conceptual options and its not clear whether its adopting David Mitrany's[244] functional approach that entails a gentle and gradual attack on sovereignty through technical cooperation, peace, ethical and moral

---

[244] David Mitrany, "Political Theory for a New Society," in *Functionalism: Theory and Practice in International Relations* by A. J. R. Groom and Paul Taylor (London: University of London Press, 1935), pp. 25-37.

values, mutual cooperation and unity or its opting for Hedley Bull's confrontational attack of a federal union against sovereignty.

This loss of direction which does not differ from the AU situation is sensed from the trend of events right from the EAC revival efforts that seemed to be very cautious and conservative with sovereignty but later rushed to establish advanced institutions such as the, the East African Legislative Assembly (EALA), the customs union and others. Whereas this situation would somehow qualify for Karl Deutch's functional approach, it falls short of qualification because, as a process and a condition, the EAC just like the AU has not yet attained that much needed sense of community, institutions and practices that have marshaled the necessary strength to guarantee peaceful changes and expectations among the people.

In circumstances where the EAC membership are still engulfed in civil wars and without attracting the necessary concern of EAC partners to jointly quell insurgency or let alone coordinate joint operations to engage cattle rustlers on the Kenya – Uganda common boarder or the international crimes of drug trafficking, terrorism and money laundering on the Kenya-Tanzania boarder, with member states not agreed on the common bench marks and rules of political governance, with member states internally failing to reach consensus on respective national constitutions, with some members still victims of the past and shunning joint transport and communication ventures, with some countries still preferring to pursue parallel foreign policy decisions independent of each other on matters affecting all like on article 98 of the ICC and the Cancun WTO talks, the use and defence of River Nile, with some members still held up in the realism school and scrambling for investors and NGO headquartering in a zero – sum manner. With an EAC Secretariat and EALA submissive to the sovereign states rather than vice versa, with some of the member states in arrears of membership fees and with most of the protocols processed not yet ratified. It's rather wishful thinking or a matter of political expediency and public relations to talk of a realistic and practical East African Federation in the near future. This preceding summary of the EAC state of affairs does not differ and it is even worse with the African Union because the continental body even has in addition, tasks of settling interstate war conflicts between many of her members as well as the harmonization of totally incompatible interests.

In the case of Mano River Union (MRU) comprising of Sierra Leone, Liberia and Guinea, just like all the others, it aimed at addressing the inequalities among communities and to maximize on opportunities within the region. However, besides suffering the common African integration limitation also suffered from abject poverty and very small populations. All the three exhibited similar socio-political problems ranging from ethnic rivalries, threats to internal security, military coups, outright violence and general political instability.[245]

In the face of autocracy, misrule and egoism besieging most African states, the situation has registered no significant difference as all the contemporary African regional integration organizations such as SADC, ECOWAS, IGAD, COMESA, PTA and above all the OAU/AU have not been able to register the quality of the much envisaged liberal policies of interstate cooperation where democracies do not go to war. The nature of mutual suspicion undermines the foundations of the much needed cohesiveness and turns the would be mutual friends into sworn enemies. This constant mutual suspicion and mistrust is responsible for the ever shifting alliances and the overlap and duplication of regional bodies such as the case of the divided loyalty in the membership of SADC, COMESA and the EAC for Tanzania or IGAD, EAC and COMESA for Uganda and Kenya, just as Nigeria, Benin, Gambia and others may fail to harmonize interests between ECOWAS and the West African Monetary Union coming into force on July 01st 2005 while Senegal, Mali, Cote d'Ivoire must be experiencing problems harmonizing interests of ECOWAS and CEAO.

Three years since the idea of the African Union was adopted in the year 2000, over ten member states have not yet ratified the union's treaty and the constitutive Act. For many of those countries that ratified the union's Act, they are still prisoners of the OAU syndrome of negatively invoking international law on principles of sovereignty, non interference and non intervention the very reason why Sudan has rejected and ruled as out of question an AU peacekeeping force despite the AU resolutions on the situation in Darfur.[246] The African Union itself just like the revived EAC is stuck in the conceptual

[245] Amadu Sesay, "The Mano River Union: Politics of Survival or Dependence" in *The future of Regional Integration in Africa, op. cit.*, pp. 127, 129
[246] See Sudan rejects Darfur peace force. BBC News World Edition. URL:
http://news.bbc.co.uk/2/hi/africa/3623892.stm

traffic jam and while member states resent any mention of partial surrender of sovereign powers to the supra national body, they have gone ahead to copy cut and create some of the EU and UN structures in form of organs like the Assembly, the Executive Council, the Pan African Parliament, the African Court of Justice, the Commission, the Permanent representatives committee, the specialized technical committees, the economic, social and cultural council, the peace and security council and the financial institutions to include the African Central Bank, the African Monetary Fund, and the African Investment Bank without corresponding mechanisms. Without any power being surrendered to these organs, they may only represent Africa's wish list from what indeed it cannot afford to procure and of course a line up and stock pile of the numerous false starts of Africa.

The three year old organization seem to be obsessed with adopting as blue prints models and organizational structures of the half century old European Union which has for long practiced a functional approach to regional integration. Needless to say, the current E.U status and its flourishing inter-state relations is a fifty year cumulative effect of shared norms, values and interests centred at selfless service and the enhancement of the common European good. These values are rooted on the desire to protect and promote the rights of the individual, his or her dignity and prominence over the state as well as the promotion of the common good and democracy which unfortunately finds no space in most of the African leadership but serves as qualification priority number one for EU aspiring member states. In the case of Africa, there's no consensus on common values, norms, and goals outside the lamentation of racial discrimination and the continent's dark history. The NEPAD renaissance and engineered values, norms and goals are themselves accused of being externally oriented from the G8 with a small input of just a few of the continents ruling elite, thus facing the intellectual and operationalisation critics of being excessively a top to bottom process. This alleged external influence on the AU and NEPAD sharply contradicts with the argument that a community is a set of shared social bonds and that such community values evolve from the community itself and not imposed from the exterior.[247] The current system in Africa still gives prominence to the realistic concept of the state and the sacred cow of national interests. No meaningful

---

[247] Amital Etzioni "Old Chestnuts and New Spurs" in Amital Etzioni ed., *New Communication Thinking: Pensions, Virtues, Institutions and Communities* (Charlottesville and London: University of Virginia Press, 1995), p. 17.

efforts have been taken to interpret national interest beyond National frontiers and the preservation of the regime and there exist no horizontal infrastructure in terms of roads, railways, telecommunications, air and maritime transport services, energy, agriculture social services, environment protection programmes, and science related research to back up a practical integration.

The political rhetoric of calling upon the private sector for fast track regional commercial projects aimed at increased cross border trade, creation of wealth and a reduction in poverty cannot take off in an environment of statism, self-help and survival by member states against each other. The shaky foundation aside, the AU is busy establishing Supra-national structures such as the continental parliament, court of justice, and a military force that demands and commands no loyalty from the membership. This is most evidenced by the Sudanese insistence on the International Law provisions of sovereignty and non-interference in rejecting the AU peacekeeping force in Darfur.

On the economic front, the African elite is yet to abandon the conceptual failures of indecision to avert the rapidly growing crisis of confidence. While Africa submits herself to the unfair Trans-Atlantic economic dimension of global dominance and opens her internal markets to multi-nationals and the related privatisation effects that goes with it, the African elite still dreams of sovereignty and the autocratic power that goes with it by selfishly refusing to open up political space and refusing to cede some of the national sovereignty to larger, cost effective and comparatively advantageous supra-national authority for the requisite strategic positioning against the amorphous globalization. Without a guarantee of a practical and meaningful democracy, both local and foreign investors are not in hurry to invest in regions whose democratic credentials are questionable thus very few jobs are being created against the ever rising unemployed mass hence the crisis.

The initiative of NEPAD anticipated to expedite African development through interstate cooperation is yet to receive the requisite practical cooperation on its laid down bench marks to the extent that by early 2004, only three of the 53 member states had acceded to the peer review mechanism on the implementation of foundations for democratic and corporate governance as a prerequisite for development aid from NEPAD and the G8. Even some states that have acceded and those about to, are suspected of

conspiring to manipulate the findings for the benefit of incumbent regimes. From the onset, adopting some of the key tenets of liberalism like democratic principles of the rule of law, pluralism, transparency, accountability and the guarantee of human rights that entail freedoms and liberties remain one of the hardest tasks to the incumbent governments most of which are grossly autocratic and corrupt-such that embracing these values in practical terms would tantamount to signing their respective charge sheets, imprisonment and in some cases death warrants hence the reluctance. This is so because most of them have been at the centre of gross human rights abuses entailing suppression of first generation rights, illegally detaining and torturing political opponents and occasionally killing some of them. Many of them have turned the state into personal property using the wave of privatization to rob the state of its assets by allocating state corporations to the ruling clique members and their family associates. In several countries, citizens are questioning the whereabouts of the precedes from the privatization sales and the most effective method of siphoning it has been disguised under national security expenditures which rarely entertains questioning.

Nevertheless, in the midst of these hard situations, Africa cannot afford to isolate herself and remain a sole islander in the international system that has virtually embraced liberal policies and is thus unable to evade the international system and influences two of James Rossenau's key six levels that condition foreign policy formulation and practice. Indeed, most of the African ruling elite is engulfed between a hard place and a rock and is not particularly at home with the AU and NEPAD attempted terms and conditions of governance. However, for lack of alternative, the leadership has had to reluctantly undertake what seem to be painstaking liberal policies at personal and regime risk.

It has been argued that Africa's failure to focus beyond the limited realist's view so as to examine matters of community composition, needs and constraints are bound to lead to an erroneous concession of a secure state. That the opposite is true where individuals and communities are suffering and dying of famine, cattle rustling, banditry, epidemics, state brutality, and all other evils. This realist definition of state security presupposes the anarchical international system and conceptualizes threats only from other state actors or at worst, from politically armed groups. This loses sight of the most devastating effects of civil strife. The new conceptual definition of security has acquired

a new and broader meaning to include state and non-state actors, threats against the individual, groups, communities and all threats to human well being such as human rights, ecological threats, health, nutrition, education, fairness, liberties as well as human dignity all with profound implications for all aspects of security thus demanding a shift from the old realist determinants of security and remedies in favour of liberal inclination solutions.[248] Therefore, Africa is yet to expound her overall security concerns outside the traditional high politics to low politics oriented security. Although there's a global trend of liberal policies as the current international system, Africa has not pursued liberalism as a universal agenda, rather as a conspiracy and marriage of convenience between the core, in the North, and the comprador in the South as a new found compromise formula of controlling the excesses of each other to the extent of optionally injuring or protecting the opposite side's interests.

For the powerful North represented by the G8, International regimes and MNC's, liberalism is an effective means of suppressing violent conflicts in Africa by mobilizing all political forces to the so called democratic process and thus create an enabling environment for the uninterrupted tapping of Africa's resources by the MNC's. Equally, that political calmness enables the dumping and market consumption of finished goods from the core to the periphery and each time the regime tries to grow wings, it is threatened with a demand for realistic political and economic reforms, and because the leadership is pretty aware that it can hardly pass the test of a genuine democratic process, it normally keeps off and cooperates as desired by the core. On the other hand, the African elite is pretty aware of the fraudulent and unfair transactions behind the donor aid schemes and it's equally mindful of the fact that the lender is more interested in the transactions than the borrower. Armed with lessons learnt from the North-South divide debate, the threats against SAP and the frustration of Africa's indigenous economic plans, the African elite syndicates and caucuses within itself and threatens collective action of abandoning liberal policies unless the western governments and agencies reduces the pressure and speed about Africa's democratization.

---

[248] Ludeki Chweya, "Emerging Dimensions of Security in the IGAD Region," in *African Regional Security in the Age of Globalization* by Makumi Mwagiru ed., (Nairobi: Heinrich Boll Foundation, 2004), pp. 32-33.

This demand is seriously feared and is normally met with a prompt relaxation of the demands on democratization accompanied by pledges for economic assistance by the developed world. This was the case when Africa came close to pursuing the Gadhafi idea of seeking Africa's solutions to Africa's problems through the AU. The West cannot afford to see Africa getting solidly united instead, it prefers seeing that fluid relationship of a fraudulent democracy provided its devoid of inter or intra state war to enable MNC's trade without hindrance. Relatedly, the African elite has also adopted the tactic of creating the impression that it is only a particular leader with the formula and prowess to keep a particular country or region peaceful, and that any pressure that removes him could let loose the chained tigers of insurgency, for the much feared breeding ground for regional and international terrorism. This new dimension of autocratic rulers black mailing the western world is anchored on the conviction that there's no United States government, past, present, and foreseeable future that is willing to sacrifice global stability at the alter of democracy in those states[249]. In emphasizing this point, Jervis provides the living and immediate past examples of misrule in Algeria, Egypt, Pakistan and Saudi Arabia where the west has kept off as if there's nothing undemocratic happening there in. In the circumstances therefore, liberal policies only serve as the new found compromise ground and a scarecrow where the interests of the core can be taken care of in return for a selective implementation of liberal policies to such an extent that leaves the incumbents in Africa unscathed.

Both interest groups above are mindful of the possible outcome of allowing inter-community cooperation and they both realize that they stand to lose out in the event of the people being emancipated, the very reason why the two groups have always been at the centre of frustrating efforts for African integration but compromise on a middle position that takes care of each other's selfish interests to the detriment of society in Africa. In the circumstances, liberalism in its classical sense is far from taking root in Africa mainly due to the various odds as outlined in this discussion, but more so, because it is not in the interest of intrusive powers to allow true independence of Africa if at all it can be avoided. Consequently, African iron fisted leaders like Mobutu and others who

---

[249] Robert Jervis, "Understanding the Bush Doctrine," *Political Science Quarterly*, v. 118 # 3, 2003 pp. 365-388.

have followed suit will either be materially and morally facilitated to suppress the emergence of democratic forces, or at worst their excesses will be ignored and covered up by the developed world provided they can in return serve their main interests of preparing the ground for exploitation by the developed world.

Accordingly, the current African leadership and the International System cannot harness true liberalism in Africa for its' bound to facilitate social emancipation, the identification of common values, norms, goals and mutual respect among Africans and bridge the gap to shade off mutual suspicion, disunity, conflicts, disease and civil strife. These are the very platforms against which the two cores of the Bourgeoisie and the comprador class usually meet to slice out the loot from Africa under the guise of relief Aid, rehabilitation, reconstruction and of recent privatization. Given the level of empowerment in Africa, the situation is not likely to improve soon till it gains that critical mass, the energy and synergy to address this vicious cycle of exploitation and dependency and in the minds of some of the African ruling elites, by then, they will have made enough fortunes for themselves, children and grand children the very reasons why million of dollars are siphoned on to foreign accounts to the detriment of the unsuspecting majority in Africans.

CHAPTER SIX: THE FUTURE OF THE AFRICAN UNION AND AFRICA

Almost three years after Africa's leadership through the supreme body OAU/AU opted for liberal policies as their international relations path, debate still rages on as to whether liberalism was the most appropriate theory for the continent. On the one hand, it has been argued by various stakeholders that Africa ought to revisit the pre-independence nationalism and African socialism. Those for African socialism have argued against the exploitation/economic imbalance and the cultural invasion by the European culture adding that the continent should pursue a non-western aligned political and economic policy. On the other hand, those for the AU's option of liberalism contend that Africa has suffered enough under the iron-fisted autocratic rule of African Socialism and further argued that Africa cannot afford to isolate itself as an Island against the international trend of liberalism and globalisation. The third view has been that Africa can ably pursue liberal policies with particular interest to guard against any extreme anti African interest Policies provided that Africa gives priority to her own interstate cooperation both politically and economically.

6.1 Peoples Demands

In the African independence struggle, nationalism was primarily limited to the elimination of outright foreign political domination and securing political independence without due attention to the significant aspect of the displacement of the pre colonial African mode of production which had been overthrown by European mercantilist capitalism. As a result, political independence and the subsequent African political administration has only witnessed the perpetuation of class antagonism and the emergence of an indigenous ruling class that is far distanced from the led. Consequently, in tracing the current national security dilemma of African political systems, Ake[250] argues *inter alia* that there are strong revolutionary pressures against the existing exploitative class relations, and thus against the very survival of the ruling elite and the state. He attributes this to five major factors namely;-

---

[250] Claude Ake, *Revolutionary Pressures in Africa* (London: Zed Press, 1978), pp. 77-81.

1. The desperate poverty of African workers

2. The irreconcilable economic and social discrepancy between the rich and the poor.

3. The rising exposure and expectation through modernization

4. The enticing political and socio-economic models provided by the developed world, made more piquant by portrayals in the media as well as the commercial penetration of the African markets.

5. The politicization and sensitization of the African peoples, with emphasis on the rules of law, respect for human rights and values of democratic governance as opposed to their frustrating colonial and postcolonial experience.

Ake further summarizes that the African people are essentially demanding two basic things from their governments. First, equality, which in effect means abolition of the privileged class that unfairly, ascends politically and economically at the expense of the ordinary citizen. Second, social well-being, which relates to easing the agony of extreme want. He observes that unfortunately, neither of those revolutionary demands will be met or granted by the African ruling elite because they can not react favourably to revolutionary pressure without committing class suicide, which of course they won't do.[251]

In the circumstance, the most available option of curbing such demands while effectively preventing their political manifestations is depoliticisation of society. The primary objective of depoliticisation in Africa is not to enable the public concentrate on economically productive ventures as politicians would want us to believe but to insulate and protect the ruling elites against any other alternative political view and programmes. The basic manifestation of depoliticisation in Africa is the preaching by African regimes and repressive enforcement of one party state ideologies. In Ake's view, "every African country is in effect a one party state in the sense that every regime in Africa assumes its exclusive right to rule and prohibits organized opposition"[252], more over, given the contradictions in contemporary African society, depoliticisation can not be carried out without brutal repression. What Ake seem to have ignored is the existence of genuine

---

[251] *Supra*
[252] *Supra*

African leaders who have come to terms with the effects of under development and its causes. While the majority of the regimes are in the category he has ably classified, he overlooks the fact that again it has been African leaders who have ignited pro-democratic initiatives like those pursued by NEPAD. Relatedly, Ake seems to over look the other alternative to depoliticisation which is the new concept of democratic window dressing of unfair electioneering across the continent for purposes of wining international approval for financial Aid.

However, an evaluation of the depoliticisation concept on the regimes in Africa reveals a double-edged reaction with one heavily in favour of the ruling elite and another against the rulers. Consequently, since depoliticisation helps maintain existing structures, it enhances political stability in the short run though not sustainable. At this juncture political stability as advocated by the rulers' means continuation of the political structure especially the status quo between the dominant and subordinate classes. In the perception of the rulers, depoliticisation promotes the stability of the regime when it leads to the homogenization of the exploiting classes. Equally, depoliticisation enhances homogenization by imposing ideological unity, by constructing alliances between factions, by co-opting regardless of the means "dangerous" political opponents into the hegemonic faction either through principled compromise, corrupt bargains or at the extreme through intimidation and coercion or where necessary liquidating certain thinking altogether and this is what some authors have defined power as the ability to move the individual in some desired fashion through persuasion, purchase, barter or coercion. [253]

On the other hand, depoliticisation may form the basis of state and nation instability. Indeed, Ake argues *inter alia* that "On balance, the intra class depoliticisation is more conducive to government instability than to stability". He attributes this to the fact that it greatly reinforces the destablising effect which statism produces by primarily focusing the ambition of all classes on the capture and retention of state power. In effect, suppression in the political arena does not of necessity eliminate the class struggle crisis in society. Even with the ill-fated depoliticisation programmes, or the establishment of a

---

[253] Spykman Nicholas J., America's Strategy in World Politics (Hartcourt Brace, 1942), p. 11. and Gilpin R., *US Power and the Multinational Corporation. The Political Economy of Foreign Direct Investment* (New York: Basic books, 1975), p. 24.

legal environment for a one party system, instability has persistently remained basically because, the objective basis of the differences in society remain un attended. This accounts for the pressures that have always mounted within and outside governments with explosive social tensions between groups in the system. When major differences in this highly squeezed political monolith appear, a crisis of management invariably occurs and, contrary to earlier misconceptions of the leadership about its abilities, the options for resolving the climax of such gradually developed crisis are often very limited. In this respect, the Mathew Kerekou, Didier Rastraka and the Suharto's of this world can testify to this bitter fact.

Naturally, mindful of its own maladministration particularly in relation to the abuse of office and power, the gross abuse of human rights, misappropriation and embezzlement of public funds and other forms of corruption, fear and panic engulfs the leadership. The rulers are often tempted to employ brutal coercion but this has in most cases only worsened the situation by further widening the gap between the privileged and under privileged, between the oppressor and oppressed to attract social uprisings or at worst military intervention [254] which in most cases has performed no better than the status quo. This accounts for most of the increasing crisis spots in Africa. The leadership abandoned its social contract and in some cases the regimes have no moral authority having cheated their way into power through the window dressing elections or other legal manipulations[255]. As a consequence, there's always that natural feeling of guilt and this explains why most regimes are pre-occupied with how best to disorganize the "would be election winner" paying lip service to people's welfare programmes by resorting to patronage and other related regime preservation expenditures. Relatedly, resources meant for enhancing national production are diverted to enhancing military power, clientele and loyalty because from the realism perspective of the leaders, states depend for their existence upon power and achieve their objective by power thus making power the main problem to be solved[256]. Therefore, along the sad obsession for power, the common tendency in contemporary Africa has been the leadership's misconception of modern security and perceiving security from a militaristic point of view. They have

[254] Markovitz L., *Power and Class in Africa* (New Jersey: Prentice Hall, 1977), p. 306.
[255] See "Politicians should not craft the constitution," *The Standard* (Kenya), November 6th, 2004 p. 8
[256] Burton, *op. cit.* ,p. 46

often failed to analyse national security as a complexity of diverse human concerns with a diversity of actors and sectors all requiring equal attention.

6.2 Africa's National Security View

Despite the fact that liberalisation, globalisation and ICT developments have broadened the level of democratic rights awareness, which in turn has increased pressure on incumbent regimes, the leadership in Africa has stubbornly refused to appreciate that African National Security threats are more of intra -state than inter-state based, requiring very little of the military than the political restructure. Such poor analysis of the National security threats often leads to poor prescriptions of the remedial measures. In real strategic terms, many governments have by over concentrating on the military at the expense of other sectors such as the economy, foreign policy and democratization undermined the states stability and development. Failure to appreciate and squarely attend to the National Security multiple concerns tends to encourage dis approval, discontent, insurgency, militarism and total rejection thus creating real and imagined threats to the regime. In the circumstances, emphasis of National Security have shifted from the protection of the state to the protection of the regime, the very reason why some armies are spotted on political campaign plat forms issuing threats to the electorate for the preservation of the status quo. At that level, even professionalism is sacrificed by ensuring that the regime is returned at all cost and with it the obvious resentment.

Harris[257] has observed *inter alia* that due to the absence of a genuine forum to restructure the political and socio-economic direction of the countries, and with the corruption and profiteering of the ruling class becoming more blatant and the stagnation of the African economies reaching the point of national bankruptcy, popular discontent has led to uprisings occasionally limiting the military equation. Consequently, alliances challenging suppression of political and human freedoms are taking shape occasionally creating an environment for military intervention as an arbiter[258] .However, Fanon's observations on political mismanagement and the potentiality of military interventions not withstanding, the universal demands for democratization have, tended to serve a

[257] Harris R. P., ed., *The Political Economy of Africa* (New York: Schwenkan Publishing Co., 1975), p. 30.
[258] Fanon F., *The Wretched Of The Earth* (Middlesex-England: Penguin, 1961), p. 174.

notice to the military that politics is a no go area for the men still in uniform. Indeed some international Organisations like the African Union have specifically legislated and outlawed forceful military leaders in their midst.

With national security acquiring new dimensions and definitions, the military is willingly and forcefully vacating the political field for those best suited for it. Perhaps what most armies on the continent are yet to acquire is the professionalism and capacity to steer clear of manipulations so as to disengage from the professional abuse and the political scheming of some incumbent regimes. With the exception of a few cases, the army is yet to justify its national outlook by practically proving that it's professional, morally upright and beyond manipulations of partisan interests. However, the most effective guard against abuse of power lies in the empowerment of the citizens not with weaponry but with knowledge of their basic rights, their role, obligations as well as obligations and limitations of government such that people's emancipation is what the AU ought be preoccupied with to arm people with knowledge and confidence to take charge of own destiny.

6.3 Political Corruption and Instability

Due to its role in creating instability in African states, political (official) corruption is directly associated with, and almost synonymous with, the state system. The regimes in Africa cannot avoid blame for the rampant corruption in the entire social strata. Most regimes in Africa deliberately conceive, give birth and nurture corruption for their own primitive accumulation and political survival. It invites no debate that the regimes manipulation of structures and institutions of the state by the ruling elite for the (mis)- allocation, (mal) distribution of public goods and services, the related efforts to distort and misrepresent the law as well as the manipulation of the electoral process inevitably leads to corruption[259]. LEVINE defines political corruption as the "unsanctioned, unscheduled use of public political resources and or goods for private,

---

[259] See "You can rent MPs mouth and that is not corruption," *The Standard* (Kenya) November 10th, 2004 p. 12.

that is, non public ends"[260]. Perhaps one may add that Levine's definition left out the key element of manipulation of processes on account of official leverage and impunity. Simply put therefore, "corruption is power plus discretion minus accountability". It's those three elements that enable those in positions of influence to misuse their offices with impunity. Most of the African leadership claims to be determined to fight corruption and they do this by putting in place the various legal instruments and institutions and thereafter wash their hands off. Law *perse* does not eradicate corruption; instead, a determined and operationalised will of the leadership to stamp out corruption effectively and drastically is the only tested way to reduce corruption. This can only be done by taking uncompromising action against corrupt officials.

As Kenyatta University's Professor Aseka argues, "When a regime creates and develops a cartel of profiteers, marketeers and syndicateers, the entire society has no other option but to follow suit". Little wonder therefore that the entire continent is wallowing in moral decadence with professionals undressing their professional jackets under the guise of survival at the expense of ethics. This is exactly what Adam Smith warned of the potentiality of anarchy should there be lack of commonality of values. Good leadership rests on integrity, integrity rests on values and values are founded on virtue and these are yet to find a seat in the African midst.

When a leadership of a nation, department or corporation pursues a policy of blind loyalty from its subordinates or subjects, the chances are that the subordinate that obeys and acts to that policy will gradually loose its integrity, its values and therefore its identity. In the case of Africa, people do realize this danger but a few who can not withstand challenges for fear of intimidation, harassment or survival often end up unquestioningly towing the "superior's line despite the obvious fraud. Once a leadership develops tendencies of discouraging any alternative view to its own, misreading it as an insubordinate challenge and practically encourages unreasoned following, it will eventually establish a cartel of job seekers around itself and one sure destiny for such system is collapse. Ironically those who talk their sincere mind and offer alternative views to the system are often genuine diehards of the same system and would not like to

---

[260] Levine V.T., *Political Corruption: The Ghana Case* (Palo Alto - California: Stanford University Press, 1975), p. 65.

148

see it crumbling and humiliated by history because they consider themselves part and parcel of the same hence the genuine advice. On the other hand, some one whose value is the job brief, and the fringe benefits there to will do whatever it takes as long as he is still assured of a earning and will often trade off the system in the event of a better bargain. The total sum of this atmosphere that demands and intimidates the lower cadreship into blind loyalty and submission is nothing but corruption. Its corruption because there's no conceptual difference between such official actions and an immigration officer or tax officer who despite knowledge of the fraudulent conduct of a client before him in the eyes of the law, goes ahead to allow him have his way in return for an individual payment.

6.4 Leadership

The main problem with the African leadership is exemplified in its lack of foresight and basic ethical values. Most of them are dishonest, lack integrity, not trustworthy, constantly breaking rules of justice and fairness with impunity,[261] attracting a multiplier effect on poverty, discontent, conflict and socio-economic problems. Poor leadership in Africa has manifested itself in the dictatorship and ineffectiveness of political institutions occasioning abuse of power, privilege, violations of human rights, freedoms and liberties. This has been brought about by a leadership that encouraged tendencies of extreme intolerance and brutality towards dissenting opinions while showing no regard for the rule of law and the upholding of justice and fairness in the political and socio-economic spheres while promoting patronage for its survival. Delivery of the above values, a total sum of which adds up to democracy are not attainable without assigning to the people, the highest human dignity which is not the case with Africa.

The dignity of the African which was first invaded by slave traders and later by colonialism was never recovered especially after the post independence crafted state literally represented and extended the state brutality of the colonial state. After independence, rather than doing the most opportune thing of rethinking, redefining and crafting a framework of governance based on African historical and cultural values the

---

[261] Rutto and Njoroge, *op. cit.* , p. 36

149

state opted to inherit and perpetuate an authoritarian state without dismantling the oppressive machinery to the extent of retaining repressive colonial measures used to quell aspirations for freedom. For example, Nkrumah in Ghana retained the preventive detention Act that gave government sweeping powers to imprison a person without trial. In Zambia and Uganda Kaunda and Obote respectively re-introduced the state of emergency used to crash any black aspirations for freedom. To many African leaders like Kaunda, Banda, Senghor and others, owning a mistake at least on principle has never been part of their blood system and will leave no stone unturned, in misdirecting topical debates to take refuge in the illogical history of their personal contributions against colonialism and misrule as if they fought alone. Surprisingly, even some of the leadership that came much later like Robert Mugabe opted for the same autocratic tools and methods of governance. They accommodate no criticism. They use their parliamentary majorities to subvert their constitutions, outlaw opposition parties to one party systems and become life presidents dismissing concepts of democracy as alien, a luxury Africa cannot afford.[262] Without necessarily agreeing with him, Ayittey argues that personal rule has prevailed in most African countries over much of the post colonial era, he agrees with Sand brook's portrait of a typical African leader and how he rules thus:

> "The strongman, usually the president, occupies the center of the political life. Front and center stage, he is the centrifugal force around which all else revolves. Not only the ceremonial Head of state, the president is also the chief political, military and culture figure: head of government, commander in chief of the armed forces, head of governing party (if there is one) and even chancellor of the local university. His aim is typically to identify his person with the nation"[263].

In reference to Sand brook's above analysis, Ayittey adds that:

> He is present everywhere: his picture is hung on public walls, billboards, government offices and even private homes. His portrait embellishes stamps, coins, paper currency and even stationery of state corporations, schools, hospitals, stadiums are named after him and the state controlled media herald his every word and action, no matter how misguided[264] and that the inviolate ethic of the vampire

[262] Ayittey, op. cit.. p. 93

[263] Richard Sandbrook, The Politics of Africa's Stagnation (New York: Cambridge University Press, 1993), p. 90.

[264] Ayittey, op. cit.. pp. 94-95

elites is self aggrandizement and self perpetuation in power and they achieve this by subverting every key institution of government; the civil service, judiciary, military, media and banking resulting in the eventual paralysis of these institutions as laxity, ineptitude, indiscipline and lack of professionalism flourish in this supposedly public sector in the sustenance of political clientele[265].

It has further been argued that many of the African leaders maintain their power base by dispensing patronage or by appealing to tribal solidarity from kinsmen[266], who in turn receive government jobs insulated against sanctions for any wrong doing and without meritocracy but political know who such that corruption is conceived, borne and nurtured through the state system. Very soon public institutions like the civil service, judiciary, parliament[267], the police and the army functionally collapse because they have all been perverted. Justice is weighed and delivered from the amount of cash one has for one can extinguish a traffic offence from the roadside with a small payment to the police officer, your legal counsel will advise you to attend court with some cash the judge to procure the best judgement or an adjournment to frustrate the case to its eventual dismissal. Relatedly, you need advance commission down payments to secure a favourable defence or works contract for the delivery of poor services. Individuals in national and municipal tax authorities are paid instead of the state to the extent that the entire concept of a state becomes a joke in the midst of self cannibalisation.

Inevitably, regardless of the amount of patronage and clientele, people begin to scoff at the pious utterances of the vampire elites regarding probity, accountability, unity, hard work and sacrifice and eventually, political institutions such as the presidency, parliament, the party, civil service and even the judiciary, lose whatever public esteem they commanded as nepotism and patronage swell bureaucratic ranks with incompetent political know how cadres while the competent and honest servants get demoralized by graft, fraud and the theft of public property [268]. In the circumstances, the state and its top agents in Africa have become so unpopular although the democratic means of exposing the rot and removing them are equally neutralized by a number of tactics ranging from

---

[265] *ibid.*, p. 153

[266] See "How Politics Has Fuelled Land Wars," *Daily Nation* (Kenya) November 8th, 2004 p. 11

[267] See "Kenyans must reject machinations by MPs in Constitution Review" *The Standard* (Kenya) November 10th 2004 p. 21.

[268] Sandbrook, *op. cit.*, p. 113

subtle to the ruthless, to deal with political opposition. Over time, the leader becomes relatively conscious of his crimes and the fear of facing the law grips him tempting him to guard his claim to the presidency where no potential challenger is allowed to gain a power base. In most cases, patronage and clientele is intensified at public expense, co-optation may be offered for a high level appointment to silence leading opposition critics and many intellectuals and opposition leaders have fallen prey to this trap. In Zimbabwe, Joshua Nkomo was silenced through the offer of an inconsequential post as the deputy leader of the merged parties. In Cameroon, the movement for Democracy and the Republic (MDR) leader Dakole Daisall who had been detained for 7 years by President Biya without charge or trial was abruptly made minister of state in charge of postal services.

Ayittey argues that the African professional elites have been relatively easy to buy off exchanging their principles and conscious for a ministerial post, a diplomatic posting, a directorship of a state corporation, a car or house such that Africa's intellectuals are proving the vilest traitors and accomplices of the continent's destruction courtesy of the get rich quick bonanza where renown professionals and hitherto respectable nationals can even politically set fire on their own communities for the sake of a political appointment. Where the co-operation fails to work, a silent and effective method is to pauperize critics through digging, up all sorts of unsettled tax arrears for poverty, hunger and destitution will deliver them to the incumbent's camp popularly termed MMEs (Man Must Eat) in Ghana. However, where the above fails, some incumbents resort to terror and intimidation with the secret agencies and paramilitary organizations given the green light to ruthlessly terrorize, suppress and pursue any signs of dissent and critics. In further neutralization of the alternative view, civilian and military agents enroll into a secret agency to survey and sniff out any political conspiracies, infiltrating opposition organizations, plant malicious disinformation and subsequently destroy them from within.[269]

In many cases, regimes have no respect even for their own made laws where a change of goal posts become the norm than the exception while manipulating legislation

---

[269] *ibid.*, pp. 174-175

to limit and debar political opposition operations.[270] Although when coming to power most leaders denounce political clientelism and patronage, they instead expand its scope by creating irrelevant departments and organizations that become the vehicles for the disbursement of benefits from state coffers to solidarity ties with ethnic, religious, racial and other social groupings in exchange for the group's blind political support. In this game of factional maneuver, some of Africa's strong men place a premium on trust where the bulk of strategic positions in the political, bureaucratic, police and military hierarchies are filled with personally loyal individuals; brothers and cousins, friends and classmates, kinsmen and tribesmen while other political support is brought in by relaxing regulations such as export or import licenses and exemptions or reductions of political convert's liabilities. In addition to the extra security measures taken to address the daunting question of legitimacy, demonstration of the regimes popularity at home is entrusted with the intellectual converts enticed with government appointments to market the regime.[271]

Evaluating the continent's crisis and relating economic development to democratic rule and integrity, Ayittey observes that Africa has become unattractive to foreign investors and even to the donor community after the various failures. Net foreign direct investments in black Africa dropped dramatically from $1.22 billion in 1982 to $498 million in 1987. From 1989 to mid 1994, over half of British manufacturing companies with African subsidiaries divested from those operations. Between 1990 – 1995, the net yearly flow of foreign direct investment into developing countries quadrupled, to over $90 billion. Africa's share of this fell to only 2.4 percent. In 1995, a record $231 billion in foreign investment flowed into the third world. Singapore by itself attracted $5.8 billion, while Africa's total share was a paltry $ 2.3 billion far less than the sum invested in Singapore and Chile alone. [272] Similarly, while discussing whether there exists any causal relationship between the variable of political corruption, socio-economic instability in African States and underdevelopment, Julius Nyerere[273], in his article "corruption and political development: A cost benefit analysis" argues that so far

[270] *ibid.*, p. 206
[271] *ibid.*, p.166 - 173
[272] Ayittey, *op. cit.*, p. 11 citing *African Business.* May 1995 p.16, *The Economist* November 9, 1996 p. 95 respectively.
[273] Nyerere J., "Corruption and Political Development" in Levine, *op. cit.*, p. 65

as corruption destroys the legitimacy of political structures, it contributes to instability and quite probably leads to national disintegration and that corruption contributes to the aura of disillusionment.

According to Nyerere, there are two problems in the allocation of goods and services through politically corrupt relationships. "First, they tend to be selectively allocated, not on the basis of need or utility, but on the basis of personal ties; .Second, that such allocation tends to be "unreliable because the goods themselves are closely tied to the political fortunes and positions of the distributor or office holder"[274]. It is further argued that Individuals or groups who do not find themselves in any of the resource distributive networks fill marginalized leading to disagreements and the resultant armed conflicts across the continent. These conflicts have in more than any other continent distracted human life and brought about the retardation of the political, cultural and socio-economic life dumping the continent into a crisis[275].

6.5 Technology and Industrialisation

It has already been observed that democracy and development are inter turned and cannot be parted. In the contemporary world, the conveyor belt of development is industrialization through science, research and technology. It has further been argued that science and technology are the means by which human beings turn adversity to opportunity; science and technology overcomes barriers to development, enabling countries of the North to soar high on the tides of socio-economic progress. The study of science provides an intellectual infrastructure upon which technology flourishes which in turn lays the foundation for industrialization. In order for Africa to become an equal partner of the global technological developments, she has to shake off and overcome her entrenched obstacles and historical chains to the teaching and learning of science and technology. The failure to cope with the study of science and technology in Africa is not her own making but a deep rooted historical fact requiring a systematic confrontation.

---

[274] *Supra* ,
[275] URL.: http://www.au 2002.gov.za/docs/releases/mbek030522.htm

Without dwelling in the nit gritties of slave trade and the colonial era, colonial training reached very few Africans and even where it accessed, it was restricted to elementary levels. The colonial education's ideological context was such as to serve the European interest rather than Africa's interests. This view is most exemplified by a one time governor of Uganda P.E. Mitchel when he said *inter alia*;

> Regret it as he may, no director of education can resist the demand for clerks, carpenters, shoemakers and so on trained in European methods to meet European needs. These men are not being trained to fit into any place in the life of their own people, but to meet the economic needs of a foreign race[276].

It has relatedly been argued by Ali Mazrui that even the colonial university education established towards the end of colonial rule was designed to produce communicators rather than creators, masters of verbal literary skills rather than practitioners of the craft of innovative creators. [277] However, the most negative impact of colonialism in Africa was to engender a dependency syndrome among Africans. This was intended to limit the choice of options to the Africans and it allowed the colonialists dictate a designed programme that limited the African to participate only in the money economy and the European oriented cultural activities at the lowest and uncreative levels.

6.6 Colonial Chains of Technology

Africa is the only major region where capital income, food and industrial productions have declined over an extended time. Almost all African economies are in deep crisis and this state of affairs is largely attributed to the slow pace of industrialization. Over seventy percent of Africa's population survives on agriculture and any efforts geared at African industrialization carries no meaning without addressing the shortcomings in the agricultural sector. Michael Todaro has observed that at the heart of an African dilemma is an inexorable economic decline, drop in per capita incomes, rapid increases in population, loss of export revenues, the curtailment of foreign investment,

---

[276] *supra*
[277] Mazrui Ali, "Africa and the Search for a New International Technological Order," in *Development Options for Africa in the 1980's and Beyond* by P. Ndegwa *et al.*, eds., (Nairobi: Oxford University Press, 1985).

155

other destruction of fragile ecosystem and the durability of many countries, even to feed their people and meet other basic needs"[278].

For most of the countries, the whole policy regime on agriculture is wanting because there are numerous countries with no defined land, food, security, fisheries, animal husbandry policies and irrigation schemes. Environmental practices and markets for enhancing agricultural production have been left to evolve on their own with no government direction. The need for agricultural mechanization as against the prevailing primitive tools of production cannot be over emphasized. Issues of modern storage facilities, irrigation, fertilizers and availability of markets forms the major concerns of farmers across the continent. The absence of agricultural policies or the failure to implement the existing policies has a direct negative impact on the growth and development of industrialization across the continent.

Africa has not fully managed to add value to its primary commodities through industrial processing but of much concern is that Africa's exports both industrial and primary products have been registering a steady decline for over two decades now. Between 1980-1993 Sub Saharan Africa including South Africa contributed only three percent to globally traded goods and it has since declined further to less than two percent by the late 1990's[279]. In the case of Africa, the two industries of agriculture and industrialization are inter twined necessitating the need to address both of them simultaneously. Africa has the potential to regain economic growth by attaining equitable growth though the promotion of internal capacity for production and consumption, research and development, value addition and good corporate governance. There's need to transform Africa's agriculture into a profitable, commercially oriented, competitive and productive economic activity through agricultural business. Promotion of the agriculture and industrial sectors will have to be sustained by the provision of infrastructure services that are supportive of regional integration such as roads, power, tele-communications and equitable use of common water sources.

---

[278] Todaro M., cited in Tsuma, *op. cit.*, p. 2
[279] Kinfe, *op. cit.*, p. 415-417

156

6.7   The Significance of Research and Development

The widening gap and socio-economic disparity between the developed and underdeveloped world is now acknowledged to be due to lack of a culture of science inspired creativity, technological and entrepreneurial innovation wisely termed as the techno scientific culture. This lack of knowledge has both a direct and indirect dimension on our agriculture and industrial sector growth with its stark reality as emphasized in the following passage:

> "The technological gap between developed and developing countries has further widened. The OECD countries with nineteen of the global population have ninety one percent of internet users. Tighter intellectual property rights have raised the price of technology transfer, blocking developing countries from the dynamic knowledge sector. This exclusivity is creating parallel worlds of 'haves and have nots' in the area of knowledge and technology".[280]

Africa ought to put her act together by taking a radical step to invest in science and technology through research and development. The AU member states have to settle down and carefully analyze and formulate a grand strategy, which above all ought to be geared to African unification, security and prosperity by ensuring that governments apportion substantial amounts of research funds in all the key identified sectors that ultimately strengthen the national security strategy of the continent. There's urgent need to reverse the current trend where most African universities cannot be funded from within Africa. Until governments appreciates the strategic significance of self funded research, Africa will have to comfort itself with externally dictated research programmes most of which are selected in accordance with the funder's strategic calculations. It has been suggested that one way of addressing the need for a scientific culture as well as countering the research syndicates is by focusing on science education as an agent for social change, whose aims and outcomes must be described and defined in social evolution. Africa ought to develop a techno scientific culture that draws from the very best in both traditional culture and western science, discarding the worst from both cultures. This principle addresses the misconception that scientific practice has all along been a monopoly of western societies. The African union ought to appreciate this need

---

[280] *World Bank Report,* 2001.

and the related obstacles where Africans themselves tend to degrade even their own long proven scientific achievements in favour of western science hence the need for the techno scientific culture.

6.8 Mis Conceptions of Science

The leadership in Africa ought to be aware of the resistance and negative attitude towards science within the African communities. Science education in Africa must primarily address the colonial misconception of portraying science as an exclusive preserve of only a select few. The African scientists themselves should carry the mantle to demystify science as a subject every committed student can undertake. To make the science teachers work more easy, science use and application in homes should be made more accessible and explainable to the growing child by the parent in a home so as to see science as part and parcel of her daily life as a safe guard against attitudinal constraints. Indeed, some educators believe that the learning of tastes, preferences, ideals and attitudes is one of the most important outcomes of education since they are so likely to inhibit or foster the continued learning that is essential for growth and development.

Relatedly, governments, parents and teachers should also confront the misconception that science is inherently masculine. Proponents of this rather unfortunate view assert that science is a social contract inextricably linked to social relations between men and women. They claim that women detest science for its being patriarchal and authoritarian used as a tool of exploitation. The above reasoning is rooted from the sociological perception that in the complex ordering of the two sexes, women are placed more closer to nature while men are placed near culture where culture is presumed to be superior to nature and with it the placings of the sexes. This has to be confronted and reasoned out mainly by giving a positive and central place to those values ascribed to women, and human rights with reasoning that the quality of life has priority over economics, efficiency or rational planning. Accordingly, scientific activities and explanations should reflect a balance with, and not exploitation of the common interests of human kind.

It is also worth noting that considering their biological roles, mothers tend to spend more time with children and efforts to demystify science can not bear fruits if the mother herself is degraded by the very science. The mother ought to reflect her own image and benefits from learning science so as to disseminate it to the children in the context of domestic science applications. Consequently, governments, parents and teachers should change the curricula and pedagogy towards science learning and application. Learning materials and the science learning environment should be changed to provide for educational equity. The attitude towards science is to change with the amount of exposure which in turn depends on the quality of that exposure. The greater burden of creating the subjective and objective conditions for this type of opportunity lies squarely on the African leadership's focus and priority attention to science education and facilitation by way of laboratories, equipment and teacher's incentives coupled with technological training right from foundation schools and homes.

6.9 Globalisation and Technological Transfer

In the past four decades, the causes of poverty in Sub Saharan Africa were attributed to the impacts of slave trade and colonialism, the continental economic decline of the 1980's was seen from the standpoint of the cold war and the above combines the cumulative effects along the merciless monster of globalisation. Today, Sub Saharan Africa despite the unfriendly history finds itself immensed in the global dynamics of market driven developments. These are the days of liberalization, privatization and free trade progressively breaking down not only the economic barriers and notions of political sovereignty but also stripping bear the once rich social cultural norms of the continent. Therefore, globalization can be viewed as a progression in economics at the expense of the reduced autonomy of the state. Developments in information processing, communication technology and transportation facilities have generally erased nation boarders, reduced distances underpinning fundamental changes in business organizations and technology. It has brought about a new relationship between the developed and underdeveloped world with a new phase yet to be clearly internalized and appreciated by

stakeholders in which the world is undergoing a rapid change with the multiple dimensions of the scope and impact of the change unknown. .

The notion of comparative advantage in the production sector almost makes fresh research and new ventures unviable as it retards Africa and condemns it to the perpetual receipience of manufactured goods. Where Africa would have opted for shortcuts in technological transfer through the concept of reverse technology, liberal policies of privatization and liberalization have tightened on intellectual property laws as set out by the world trade organization in its shaping of the technology path. This has added to the marginalisation and vulnerability of the continent thus making globalization a complex, controversial and narrowly understood phenomenon

Looking forward to technological transfer is a good idea however; the African leadership ought to have ascertained by now that there's little enthusiasm to transplant technology from the developed world to the developing world. What is being transferred under the notion of post fordism is more to do with the search for cheap labour and the continent's environmental restriction free zones. The myth that the industrial world attained their technological superiority through free trade is a fallacy intended to mislead Africa open her economy to foreign trade intrusion. Almost every industrialized world arrived there by applying one or two mechanisms which are currently prohibited under the globalisation culture. The first rule was the infant industry protection which entailed defending young and growing industries from competition till they matured to withstand competition on equal terms. The second rule was the disregard of intellectual property laws that entailed stealing of technology through reverse engineering.

As the university of Cambridge economist Chang argues, from the 14th Century onwards, Britain systematically cut out its competitors, by taxing or banning the import of foreign manufacturers and banning the export of the raw materials (wool and unfinished cloth) to countries with competing industries[281]. Chang further asserts that it was not until the 1860's after Britain had established technological superiority in almost every aspect of manufacturing that it suddenly identified itself with virtues of free trade and opened up her markets. As for the United States, he argues that it defended her local

---

[281] Ha Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* (London: Anthem Press, 2002), pp. 4-17

markets with infant industry protection policies as early as 1816 when secretary of the then US treasury Alexander Hamilton imposed taxes of 35% which later rose to 40% on all imported manufactured goods that gave an edge to the local industrialists over the foreign manufacturers.

The three Asian giants of Japan, Taiwan and South Korea all developed rapidly not so through free trade but more so through land reform policies plus the funding and protection of key industries with the active promotion of exports by the state. In addition, all these states imposed strict controls on foreign companies seeking to establish industries[282]. Coupled with strategic decisions by their governments to invest massively and heavily in infrastructure, research and education. In South Korea and Taiwan, the state owned all the major commercial banks which enabled it to make major decisions about investments[283].As for Japan, the ministry of trade and industry exercised similar control by enacting the appropriate legal means[284]. It has been documented that Japan used tariffs and other tactical legal provisions to shut out foreign products that threatened their young industries in addition to granting major subsidies for exports. In effect, Japan developed by doing exactly the opposite of what the World Trade Organisation, the World Bank and the international monetary fund discourages and forbids Africa to do. The exception to infant industrial protection was by both the Netherlands and Switzerland. According to historian Eric Schiff, in his work "industrialization without national parents", the two nations simply opted to steal the technologies of other countries during the periods of 1869-1912, and 1850-1907 respectively in which neither country recognized the law of patents in relation to foreign technology.

According to George Monbiot[285]. Poor nations are forbidden by the rules from following short cuts to technological transfer and industrialization. In effect, upcoming industries are immediately exposed to full competition with long established companies overseas which have advantages of capital, experience, intellectual property rights, marketing networks and economies of scale on their sides. Consequently, the operational

---

[282] Mark Curtis, *Trade for Life: Making Trade Aid* (London, 2001).
[283] John Brohman, 'Post War Development in the Asian NICs: Does the Neo Liberal Model Fit Reality?" *Economic Geography*, v. 72, # 2 (April, 1996).
[284] Takatoshi ito, "Japan and the Asian Economics: A "miracle" in Transition", *Brookings Papers on Economic Activity*, # 2 (Washington DC, The Brookings Institution, 1996).
[285] Znet June 6, 2003, URL: econ/2003/0609tradeenslave.htm

ground for business firms from both sides of the trading world is tilted and lopsided in favour of business ventures from the North but of more threatening is the perpetual maintenance of the status quo by an ever widening gap and the loyal obedience of Africa due to the absence of a unified voice itself not attainable without genuine democratic foundations.

For Africa to obediently allow observing the patent law regime is to allow to be dragged into the trap of social evils of stagnation, continued abject poverty, unemployment, environmental degradation, diseases and related social evils leading to destruction and a perpetual condemnation of the black race generations.

In regard to the debt burden, Africa has to draw a redline and disentangle herself from the debt burden chains through a unanimous no to debt servicing as advised by Sacks[286] but this should be delivered on a collective voice and accompanied with a halt to any new debt contracts outside the continent.

---

[286] Geoffrey Sacks, (Speech at 3rd AU Heads of State Summit, Addis Ababa, July 6, 2004).

CHAPTER VII: FOUNDATIONS OF GOOD GOVERNANCE

Good governance entails management in accordance to well-established policies and required standards. The epic center of the African leadership crisis climaxes upon the leadership's refusal to obey and adhere to established rules of the political game hence the poor governance which has occasionally attracted resistance and armed conflicts with their devastating effects on society. The leadership in Africa lacks integrity and thus has no values to promote and protect. It knows and respects no established law except that which advances its own personal interests with national interests being incidental beneficiaries of established law.

Accordingly, leadership is the single most missing link in the African crisis leading to untold socio-economic evils. In his wide discussion of good governance, Roland Henwood[287] argues that good governance in politics relates to the prevention of the occurrence of tyranny, anarchy, corruption, unaccountability, instability, unjustified secrecy and uninformed decision-making. Such good governance results in good, stable and accountable government stemming from the effective prevention of negative political traits. Good governance therefore is not an easily definable concept since it requires a value judgement. Therefore, the evaluation and arrival at an appropriate description of good governance is premised on the analysis of the functions of the state and the indicators of good governance themselves.

7.1 Functions of a State

A modern state consists of structures and functions. Functions relate to the obligations and targets that must be attained while structures refer to the institutions and procedures that enable the realization of the set out functions. According to Macridis and Burg[288], political systems share more or less the following objectives:-

- the generation of commonly shared ideas and objectives;
- the provision for the rules and procedures for leadership selection; .

---

[287] Roland Henwood, "Good Governance and the Political System", University of Pretoria, 2001.
[288] Macridis R. C. and Burg S. L., *Introduction to Comparative Politics: Regimes and Change* (2nd edition, New York: Harper Collins Publishers, 1991), pp. 3-5.

- the provision of mechanisms for decision making including the institutions and procedures for decision making;
- the establishment of mechanisms for the articulation and aggregation of the interests that must be taken into account in the determination of public policy;
- The maintenance of order through the definition of agreed-upon rules and the effective enforcement of the agreed rules;

It's therefore the strict observation of the above established rules and procedures that forms the most effective guarantee for the preservation of a good political system. While the modern era of liberal democracy and multilateral diplomacy has produced several political role players, the realization of the said functions is more of a state function than any other actor. However, the said functions and objectives cannot be realized without practical democratic institutions and procedures capable of shading off selfish manipulations to the satisfaction of the long term interest of all in other words, the common good. These functions therefore refer to constitutionalism and democracy while the objectives refer to good governance and socio-economic development.

7.2   Constitutionalism and its absence

According to Roberts[289], "constitutionalism" has two relative meanings; firstly, it refers to constitutionalism in practice, which means that political processes and institutions must be structured in accordance with the constitution. Besides the determination of the formal pattern of political institutions, the political norms of the community are equally embodied in the constitution. In another but not far related meaning, constitutionalism also refers to the perceptions of those who wish to establish and sustain the supreme power of a constitution in a specific state where, the constitution will protect the citizens against arbitrary government, and where political relations will be arranged and managed constitutionally as laid out.

---

[289] Roberts G. K. A., *Dictionary of Political Analysis* (London: Longman, 1971), pp. 48-49.

164

In the words of Rudolph[290], a constitutional government employs regularized procedural and substantive restraints on its powers, usually through written constitutions, popular accountability, and bills of rights. According to Rudolph, this concept of constitutionalism is enhanced by provisions for:

Separation of powers: the division of governmental powers into a law making, law enforcement and law adjudicating function hence the legislature, the executive and the judiciary respectively;

Checks and balances: the institutional arrangements enabling different branches of government to protect their independence through specific involvement in each other's activities;

Popular accountability: where decision makers will be held accountable to the people, through direct and indirect election procedures;

Rule of law: the acceptance of the equality of all people before the law and the restraints on all people through the law;

Judicial review: where courts rule on the constitutionality of statutory law, executive action and the decisions of lower courts. It thus follows from the aforesaid that constitutionalism depends on the existence of a constitution to be operationalised in accordance with the set objectives of a particular country.

Documentary constitutions are preferred in order to:-

- satisfy the demands of the citizens of a state that their rights will be protected and that the power of government will be limited;

- guarantee that both the rights and responsibilities of the citizen and government are exercised according to fixed stipulations, and therefore prevent arbitrary decision making and action;

- guarantee that the political order that develops in a state, according to which the government function will take place, is structured and is in the interest of all concerned; and

- satisfy the demands and expectations of separate communities that form a political unit.

[290] Rudolph J. R. "Constitutional Governments", in Magill F. N., *International Encyclopedia of Government and Politics*, v. 1 (Chicago: Salem Press, 1996) p. 299.

The key most important principles of the definition of a constitution above are that:-

- A constitution determines the powers and duties of a government, and the rights and liberties of individuals.
- It is the constitution that lays down the freedoms and limitations of what an individual and government may and may not do.
- A constitution determines the precise procedures that enable a government to function in the interests of general good.
- A constitution provides certainty and stability by entrenching strict guidelines for the behaviour within a state.

One may therefore conclude that a constitution is a legal document setting out rules with an edge over other laws in that it's the supreme law of the land and the fountain of values, norms, aspirations, fears and ideals of a particular people upon which all other laws are enacted.

According to Roskin[291], besides the above, constitutions also extend functions of a general nature such as establishing legality and legitimacy of the political system and government. He adds that constitutionalism divides state powers into three independent but co-related organs of government. That the threefold separation of government powers into the legislative, executive and judicial institutions responsible for rule initiation, rule application and rule adjudication respectively, prevents the centralization of power that can lead to the abuse of power[292]. When operationalised, the three overlap to a limited degree that does not threaten the nature and true practical meaning of democracy. In a true practical democracy the said overlap should never go beyond the assenting to legislative bills by the executive, the approval of appointments of the executive and judicial officers by the legislature and the interpretation and adjudication of laws and disputes by the Judiciary, hence the mutual interdependence. However, the fundamental principle is that interdependence is attained without necessarily compromising the independence of the three institutions and without running the risk of directly or indirectly centralizing those powers that would indubitably result in a regrettable dictatorship.

---

[291] Roskin M. G., *et al.*, *Political Science: An Introduction* (4th edition, Englewood Cliffs Prentice Hall, 1991), pp. 49-51.
[292] *Ibid.*, p. 75

Therefore, a constitution is a multifunctional, enabling and obstructionist device used interchangeably to promote and facilitate good cause and prevent excesses.

The enabling and promotional function of a constitution is to facilitate empowerment, control and legitimacy aimed at the general good. The preventive functions of a constitution is to hinder the occurrence of poor governance by checking negative political traits of uninformed decision making, unjustified secrecy, roadside policies, corruption, unaccountability, tyranny, inability and anarchy. The positive political traits that portrays democracy and the respect for constitutionalism include transparency and accountability of government, term limit of a government, the guarantee and practical enjoyment of freedoms of speech and expression, freedom of the press, association, assembly, movement and fair trial as the vital foundations of democracy for the country's stability and socio-economic development[293].

In Africa, the leadership has not internalized the available research on the continent's poor governance to work out a way out of the crisis through agreed standards of governance. The most available scapegoat has been apportioning blame on the past however, those attributing the crisis to colonialism ought be mindful that even regions like Latin America and Asia were subjected to the same process but have within a generation after independence, established viable states and successful economies and where they have failed, they have not rushed to blame the past.[294] Henwood basing on the comparative freedom survey of Karatnycky 2000[295] argues interalia that although African problems have for the most been blamed on colonial masters, the continent suffers from serious internal weaknesses. Citing the 1998 findings of Esterhuysen[296], Henwood argues that Africa with the world's highest population growth at 3% is destined for a stationary population of three billion by the end of the 22nd century. He further argues with dismay that in terms of education, only 25% of the primary education graduates in Africa join high schools compared to 50% for all the developing countries and 80% for the developed countries.

---

[293] *ibid.*. pp. 301-303

[294] Article. "The Heart of the Matter", *The Economist* London, May 13, 2000. pp. 23-24 in *The African Renaissance* by Washington A. J. Okumu (Trenton and Asmara: Africa World Press Inc., 2002), p. 70.
[295] Karatnycky, *Comparative Freedom Survey*, 2000.
[296] Esterhuysen P.. *Africa at a Glance. Comparative Survey* (Pretoria: Africa Institute of South Africa, 1998).

In regard to information dissemination and the related empowerment, the 1998 Esterhuysen Comparative Freedom Survey[297], indicates that the whole of Africa had 204 daily newspapers with an average of 16 copies per every one thousand. In Sub-Saharan Africa, only 156 daily newspapers appear with an average of 11 copies per every one thousand people. Relatedly, there are 33 radios and 30 televisions respectively per every one thousand people in Sub-Saharan Africa. This low level of information and knowledge dissemination greatly accounts for the disempowerment of Africa generally as the biggest percentage of the population is virtually un informed of its rights and the government's social contract hence the impunity in the thriving of corruption, despotism and the monopoly of political space.

Accordingly, the provision of adequate education and mobilization of society to appreciate its freedoms, rights and roles in ensuring transparency and accountability from government as well as the unreserved determination to defend these ideals are fundamental to achieving a culture of practical constitutionalism and sustainable development. In the dream of realizing sustainable development, Africa will have to address religious, racial, gender and marginalization nature that have for long undermined the fabric of society for an impoverished and disadvantaged society can neither afford debate nor defend a constitutional order and this is what the leadership is taking advantage of.

7.3   Democratic Elections;

As naturally expected there are mixed views as to the relevance of competitive democracy especially when it occasionally promotes conflicts during democratic practice in Africa.

In the pluralist view of democracy, the competing interests results in conflicts between the opposing groups. However, in a genuine democracy, these conflicts are channeled into institutional patterns and get contained thereof. Normally, the recurrent free and fair elections based on constitutional procedure and such firm and unshakable institutions provide the necessary hope and reassurance of the would-be losers to perfect their

---

[297] *supra*

campaign package in the next elections rather than opting for violence. Elections if fairly conducted, serve as a very strong bridge to democratic governance through the requisite legitimacy, trust and confidence between the led and the leaders.

The main functions of elections can be classified into: The choice of leadership and policies, the representation and the mandate that links people to government. Unfortunately for Africa, elections are a sham as most of the elections are rigged right from the initial phases of the electoral process through early campaigns, use of state resources, manipulation of the related laws, intimidation of voters and opponents to actual stuffing of ballot boxes hence the natural absence of legitimacy and the violent counter-reactions that yields thereof.

7.4   Electoral Requirements:

According to Ranney[298], for elections to achieve their intended objectives, characteristics of democratic elections must be observed and these include:-

Administration of elections: the effectiveness, neutrality, fairness and correctness of the election outcome should never be doubted.

Regular elections: fixed elections must be observed regularly and terms thereto must not be manipulated or tampered with for personal benefits.

Freedom of choice: this relates to allowing freedom of campaigns, expression and choice between contending political candidates, parties or policies. It is not good enough to choose between candidates that were chosen by a central decision making organ, because there is no ideological choice.

Freedom of candidates: all candidates or parties wishing to offer themselves for elections should not be restricted except within the limits of fair existing laws.

Secret ballot: the only sure way of casting a vote in a free and fair atmosphere void of intimidation and manipulation is by universal adult suffrage where equality of every ballot is guaranteed.

---

[298] Ranney A., *Governing* (6th edition, Englewood Cliffs Prentice Hall, 1993), pp. 128-130

7.5.0   Overcoming the African Crisis

The African continent is characterized by a crisis of leadership, identity and confidence occasioning an abnormally high incidence of corruption, nepotism, political oppression, ethnic strife, hunger, immigrations, displacements, environmental destruction, violence, intra and inter state wars. This accounts for the resultant economic stagnation, retardation and the political, cultural and socio-economic under development on the continent. The survival of the state in Africa is increasingly undermined due to the wide range of threats and the negative measures being undertaken by leaders to preserve their uncompromising hold on power. Under the existing circumstances, the emergence of viable states with the ability to provide the requisite functional structure to guarantee constitutional democracy is grossly undermined. Instead, the leadership is busy messing up the entire sphere of political and socio-economic life blaming it on the era of colonialism and the unfair international system.

Democracy in Africa is under constant threat and the comparative freedom survey for the year 2000 indicates that out of the 53 member states across the continent, only 20 representing 38 percent are electoral democracies and of these, only 8 representing 15 percent are free, 25 states implying 47 percent are partly free. The partly free countries are characterized by corruption, limited political rights and civil liberties, weak rule of law, ethnic strife and civil wars. Twenty countries, the equivalent of 38 percent are not free due to the suppression of basic rights[299]. If indeed only 15 percent of Africa is gauged free in the 21st century, then the existence of a crisis in Africa attracts no debate.

7.5.1   Leadership Crisis

As mentioned earlier, lack of good leadership stands out as the single most important missing variable to the solutions of Africa's political, Cultural and socio-economic problems of underdevelopment. It's the very poor leadership that has failed to curb but opted to protect corruption, ethnicisation of society and nepotism. It's the leadership that

---

[299] Esterhuysen, *op. cit.* ,pp. 15-28

has failed to promote Africa's identity through unity and thus failed to rediscover Africa from her underprivileged situation though the remedies thereto such as the development of science and technology and the promotion of intra-Africa trade. The leadership in Africa ought to overcome petty squabbles rooted from egoism and move to promote sub-regional and regional integration by embarking on a functional infrastructure in communication between states across regions and the continent to facilitate the multiplication of trade interaction between Africans.[300]

7.5.2   Crisis of Identity

Other major weakness of Africa is the failure to positively appreciate our history, rediscover and identify ourselves through unity and promote intra and inter-state African cooperation. Most Africans led by the leadership have very little if any, regard for their fellow Africans and thus prefer to interact and transact more outside Africa than within the continent thus end up downplaying Africa's significance and applaud European products and values as opposed to the indigenous.

7.5.3   Crisis of Confidence

Owing to the disappointment of the masses by the failure of the leadership, a crisis of confidence has taken its grip on the continent. The amount and level of misrule, corruption, hunger, fear, civil strike, wars, opportunistic change of positions and general mismanagement have washed down most of the trust and confidence in the leadership by the subjects. The misrule, tyranny, disregard of the rule of law and high level corruption with impunity coupled with the absence of a qualitative difference between the incumbents and the opposition political groups have all added up to the crisis of confidence from the ordinary citizens bringing about a cloud of uncertainty and despair.

---

[300] Omar Jibich Abayo, *"The Power Base behind Underdevelopment in Post-independent Africa. A Tentative Approach through Scenario Building* (Nairobi: Igena Printers and Stationers, 1999), p. 49

7.6 Constitutional Structures and the State in Africa

This study has zeroed on poor governance and lack of a democratic culture as the central factor in Africa's crisis. According to Henwood, most of the countries in Africa have constitutions similar or even better than those in the re-known world democracies. However the existence of the constitutions and related constitutional institutions marks both the beginning and the end of the similarities. Most states across the continent are highly centralized such that all institutions are subordinate to the decisions of a small elite such that, the democratic practice in these systems is limited to the wishes of the governing elite. Accordingly, the difference between Africa and other progressive democracies is not to be located within the corresponding statutory institutions but rather in the fundamental difference in the functions and capabilities of these institutions. Usually, the influence of the legislative branch is limited to the approval of decisions as made by the governing elite through coercion and sometimes subordination besides, the judicial authority is given very limited autonomy to protect some legislation and rights resulting into an institutional break down.

All this has been summed up by Clapham[301] as the leadership crisis where the functioning of the state in Africa has to do with the phenomenon termed as the "privatization of the state" also renamed the shadow state. This is the bye product of leaders acting in their personal interests and treating the state as their private property through the creation of semi official state organs such as paramilitary groups and ruling party activists most of whom take the law in their hands. According to Henwood, "the essence of this process is when a leader or clique subverts the institutions of the state to gain complete control of the resources of the state. It thus becomes the private domain of this individual or group, to the detriment of everyone living in that "state". The state is thus an institution to legitimize the criminal behaviour of leaders under the guise of national interest. Such states are characterized by cronyism, corruption, paralysis, unaccountability resulting in state predation. It invites no debate that guarding against those evils will not realize the long awaited redemption of Africa and any apathy or

---

[301] Clapham C., *Africa and the International System* (Cambridge: Cambridge University Press, 1996), pp. 249-256.

incubation of these evils will entrench dictatorships, conflicts, chaos and their respective spillovers to the regional and international levels hence the need for a collective action to position Africa in her rightful place.

Accordingly, the African Union and NEPAD should use the peer review not only as a participatory and collective mechanism to good governance but as a censor and early warning mechanism against the outset of actions that will undermine the democratic processes to endanger stability and prosperity. This should entail the development of adequate, credible, collective and possibly international responses to ensure that leaders that get tempted to threaten and undermine the democratic process are decisively dealt with in the most appropriate manner. The selfish abuse of sovereignty as a coverage for misrule and mismanagement should be checked with specific qualifications to limit its applicability to levels that are compatible with the interests and values of society as a whole rather than individual selfish interests.

In all its endeavours including the change of name from OAU to the AU, Africa is seeking freedom, peace, stability and economic development. However, there can never be sustainable economic development in the absence of good governance. Such good governance refers to the long universally tested principles of democratic governance of transparency and accountability but not the selfish interpretations and manipulations of democracy. Good governance is rooted in the people's empowerment with knowledge and capacity to freely express themselves, question and halt any abuse of power and related excesses. This lays the foundation for proper state mobilization, custody and utilization of resources besides attracting and enhancing local and foreign investments.

Therefore, transparent and accountable leadership being Africa's most required intervening variable, the African Union and its agencies like NEPAD should as a precautionary and remedial measure, seek the backing of the United Nations to formulate and standardize basic leadership benchmarks especially on the rule of law, respect for human rights, corruption, term limits and other violations of which should promptly attract personal sanctions against the errant top personalities of a regime and their immediate associates. There should be no excuses and compromise of requiring more time in the face of intervention as regimes continue to kill and plunder economies.

In order to check the selfish and greedy tendencies of leaders, supra national bodies such as the African Union and the United Nations should legislate and make it an international standard rule to criminalise any business investment and financial banking outside the home country by any top leadership of a regime right from heads of government departments, Provincial Governors, assistant ministers, ministers, prime ministers, vice presidents, presidents and constitutional monarchs while private individuals already with investments outside their home countries should as a norm disqualify themselves from seeking public offices[302].

Leaders with questionable political, socio-economic or human rights records must be rejected and isolated locally, regionally and criminal sanctions should be internationally invoked without according them any status, facilitation, protection or audience in any decision making forums across the world. International law should be made more binding and effective especially in inter-state relations against human rights errant individuals. Enough damage has been occasioned by African leaders who misuse the instruments of the state and abuse the trust of the people's mandate by turning the state into private property to amass incredible fortunes at the extreme cost to the less privileged members of society. They make it a policy to impoverish and milk their nations dry by ensuring that no centre of organized opposition to their rule emerges to unfold the unsuspecting masses[303].

The value of practicing constitutionalism as a prime toll of good governance entailing values, ideals, fears and aspirations in terms of transparency and accountability for political and socio-economic stability should be strengthened and adopted as an international norm devoid of selfish manipulations and ego. Constitutional making processes should be insulated against potential manipulations by providing that those undertaking the process should play no active political or administrative role in the post constitutional period for not less than two electoral terms. However, for purposes of avoiding rigidity and polarization, genuine constitutional changes should be entertained

[302] See "South Africa to help trace Kenya's looted billions," *The East African* # 523 November 8th to 14th 2004. p. 1.
[303] Washington A. J. Okumu, *The African Renaissance and Strategy* (Trenton and Asmara: Africa World Press Inc., 2002), p. 84.

subject to a provision that ensures the new changes being proposed do not negatively or positively affect or benefit the incumbent party or leadership in any way.

7.7 Summary and way forward

Africa remains one of the continents with the best climate and natural vegetation such that most people would prefer living on the continent provided it was not besieged with calamities of misrule and underdevelopment. There is need for universal efforts towards Africa's democratic and corporate governance for its stability and prosperity so that Africans visit other countries with ease as visitors or tourists rather than asylum or job seekers.

Accordingly, the need to address the question and quality of leadership in Africa is critical. Unfortunately, in most cases, the leadership from top to bottom disclaims responsibility for any shortcomings. The dilemma is that in the absence of owning the mistakes for the necessary corrective measures, the same errors of misrule, mismanagement, personally owning public offices and property, conflict along with their attendant under development becomes a common phenomenon. This exemplifies ignorance of the operational nature of public offices by those prematurely called upon to occupy them who end up as looters or personalizing public offices. Africa's total absence of virtue is further exemplified by the tenacious refusal to accept failure by the leadership at all levels and that is why it is not remorseful for a leader who has only met thirty percent of his past electoral pledges seeking yet another mandate on the excuse of fulfilling the rest of the unfinished programme. When a leader submits his agenda to the electorate seeking their mandate, he is simply an employment applicant seeking a job and gets employed against his own set contract for which he should be remorseful enough not to abuse the intellectual capacity of his people upon his own failure by daring to ask for more time to accomplish the undone besides, nobody will ever solve all problems on mother earth. In essence, the social contract against which the leader won the people's mandate has been breached and the most honourable thing to do is to resign from public life and allow new ideas to emerge and that's what makes great leaders. The African leadership ought to see politics as a service over a specific period beyond which it ceases

to have any positive impact and literally becomes a public liability. Politics ought not to be a question of life and death but a service role that ought to be promptly passed over for harmony and prosperity.

A lot of dirty tricks are employed to attain or retain power however, while all this mess may serve the immediate goals, such behaviour is not sustainable and is always resisted with regrettable consequences. As for regional integration, other than the leadership's obsession with power, there's no reason that stands in Africa's integration and political union programmes. The leadership in a given regional setting gives lip service to the concept but its practical implementation has always failed for lack of consensus on who should take up the top most leadership mantle but of course this underlying factor is always hidden under other issues. The leadership is more concerned on personal glory and cannot even compromise on the concept of a rotating leadership simply because each leader insists on being the first regional federation leader and with it the hidden dream of altering the rules for personal perpetuity hence the mutual suspicion and mistrust and such are the obstacles in the un ending African crisis of leadership, identity and confidence.

The end result of this dilemma is that individual African states prefer to transact more with the developed world even on very unfavourable terms than promoting intra African cooperation. There's virtually no justification for Africa's failure to positively appreciate its disadvantaged position and focus forward by forging selfless economic and political alliances within the continent. Other than the selfish interests of each preferring to be the topmost citizen of a given region or continent, it's difficult to find very strong and credible reasons that stops African leaders from undertaking economic and political integration schemes. There's no justification as to why Africa does not opt to disengage from the oppressive international system, which has only managed to exploit Africa because of her internal weaknesses. At least most of the middle and top leadership of the continent is well aware that the World Bank and IMF policies are unsuitable and continue to enslave the continent perpetually. The same leaders are equally aware that the only most effective tool is unity and a unanimous no to these policies. Africa ought develop the necessary confidence, identify and rediscover itself with own remedies to her own problems or else the north would condemn Africa to extinction.

If African leaders developed the necessary consensus without others undermining and undercutting their colleagues by falling pray to intrusive maneuvers, Africa can withstand unfair policies from the north and yet continue to mutually trade with the same north because they are not opposed to equal terms business but are just taking advantage of Africa's weaknesses. In the alternative, Africa can unanimously say no to unfavourable policies and opt to strictly trade from within the continent with a slow, steady but promising and realistic economic development. Whereas it's true that Africa is still backward and lags behind in the requisite technological and economic development, it's not true that any attempt to disengage from economic transactions with the north would condemn Africa to square one. For both negative and positive historical factors, Africa ought not to re-invent the wheel. Though not yet adequate, Africa has reasonable educational and research institutions many of which have developed universal standards in research to spearhead her development. Perhaps with the exception of spacecraft, Africa has trained locally and internationally in virtually all relevant human disciplines such as education, medicine, engineering, agriculture, law, urban planning, economics, textile manufacturing, aviation, motor engineering, bio-chemistry, environment, computer science, botany and many others. The only missing link is the conducive political and social-economic environment that rests on the leadership.

It invites no debate that the acknowledge Africa has acquired throughout this period of economic enslavement can never be withdrawn. The three key steps all of which can simultaneously be ignited at once are a selfless, transparent and accountable leadership coupled by unity and technological research and development across the continent. The fact that Africa is massively endowed with human and material resources such as land, water and almost all minerals invites no mention. That Africa has seasoned and enduring manual labourers is not debatable. That the continent has enough scientists and possesses the capacity to hire even the best scientists in the world cannot be disputed. That Africa possesses capacity to produce massively all basic necessities of life such as clothing, soap, sugar, iron sheets, tiles, radios, televisions, telecommunication and electric equipment to allow for basic life is not contestable.

That Africa possesses industrial facilities and the labour force that can manufacture virtually all the basic scientific tools of production and other facilities such

as hoes, tractors, combine harvesters, irrigators, computers, vehicles, trains, aircrafts and modern armament attracts no debate. For how long will Africa take pride in ignorance and the celebration over un tapped resources and a rich natural environment. For how long can Africa keep on as a bystander, undecided, roving aimlessly and availing herself to the machinations of the developed world submitting to the merciless forces of globalization that deconstructs her primary industrial capacity under the liberal policies of comparative advantage?

Unfortunately, it's only in Africa where our natural strength of resources in our midst such as land, minerals, good vegetation, water and food are at the same time our greatest weaknesses. As president Museveni has observed,

> "the problem with Uganda (Africa) is that everything can grow here but very little is being done. Uganda is so rich that we don't know what to do. That is part of our problem".[304]

Uganda is not alone in this sailing boat of ignorance. On the continental level, countries like Nigeria have massive oil reserves but sell all of it as crude oil at very low prices and in turn imports processed oil at exorbitant prices to the extent that Africa's largest oil producer and exporter stands out among those where motorists line up for weeks and exchange blows at filling stations due to scarcity of the same oil. As President Museveni has observed elsewhere, its only Africa that produces what it doesn't consume and consumes what it doesn't produce.

The other major weakness confronting Africa is the crisis of confidence. The general public is lost and confused as to the caliber and real intentions of most of the available leadership. While incumbent regimes have been accused and probably found wanting particularly in regard to misrule and corruption, the alternative options by way of opposition political parties are usually disappointing. The leadership of such parties has themselves exemplified no credible democratic credentials within their own parties opting to emulate the big man syndrome. These parties suffer from single-minded roadside policies, which are portrayed as parties policies thus drawing no qualitative difference between them and those they wish to replace in the management of state affairs. Those different opposition parties which seek to form coalitions against the

---

[304] *The Monitor.* Uganda, July 22, 2004, p. 20

incumbent regimes form artificial mergers with no credible and deep rooted consensus on the national and programmes interest. They form mergers just for the sake of attaining power to replace the status quo occasionally tearing themselves upon assuming power as evidenced by Kenya's NARC government wrangles.[305] As for most of the so called armed liberators like Savimbi, Koroma and others, the lack of a logical political agenda affords them no capacity to replace the status quo resorting to disrupting society in anticipation of reaping from Ian Spears's notion of power sharing [306].

The other related weakness is the semi official corruption of public morals by some of the top and middle class cadreship. These leaders out of courtesy but in most cases out of a desire to corrupt and capture the eye of the chief executives end up pouring unqualified praises on them mindless of the natural consequences of corrupting the top leader's consciousness in regard to their abilities and limitations. It follows therefore that the rediscovery of Africa lies in the development of a critical mass with a new generation periodical leadership that can shade off the colonial legacy of political manipulation and monopoly with capacity to see leadership as a temporary service in which many others can ably contribute rather than a permanent job of life and death for survival. It will take a selfless leadership that may be able to invest in the proper emancipation of society to enable it develop the synergy take charge of determining its destiny.

7.8   Conclusion

Basing on the findings of this research, one may conclude that realization of the continent's limitations, short comings and objectives did not of necessity require the change of naming Africa's Supra-national organization from OAU to AU for an amendment of the supreme organ's scope and mandate would have sufficed. In effect, without a qualitative change in the quality of the continent's leadership, little more than the commercial public relations of re-packaging the OAU product may be realized on the continent. Therefore, Africa's renaissance for the requisite freedom, peace, stability and

---

[305] See – "Cabinet Split Widens as Karua backs Ngilu" *Kenya Times*, Nov.22, 2004, p. 1
[306] Ian Spears, "The Problems of Sharing Power, Inclusive Peace Agreements in Africa," in Malinda S. Smith, ed., *Globalizing Africa* (Trenton and Asmara: Africa World Press Inc., 2003), p. 168.

economic development lies in the urgent need to make leadership in Africa a more restricted and stringent undertaking carrying with it transparency and accountability thus requiring well researched practical plans of transforming society but not simply an adventurous decision out of frustrations by those seeking survival. As noted earlier, the real and potential challenges to the operationalisation of the remedial option of Liberalism in the African inter-state relations are rooted in a wide range of factors ranging from historical, cultural to the varied conceptual differences rooted in political and socio-economic interests from within and without. A hide and seek game is evident between those introducing and those implementing Liberalism in Africa with both sides preferring to practice it half way and only to the extent of the respective group's ulterior motives.

The North as chief architects of liberal policies are mainly interested in opening up and accessing African markets without reciprocation besides. Further, the North is at the center of frustrating any attempts to forge African interstate relations for fear of a common strong voice of Africa against the persistent exploitation and marginalisation. On the other hand, the implimentors in the name of Africa's rational actors have personal interests of maintaining the status quo by exploiting and feasting over the misfortunes of their subjects thus, offer a cool reception to public and corporate governance that guarantees transparency, fair elections, the rule of law, freedoms of speech, press, expression, assembly, association, human dignity, free trade and accountability. The African rational actors can best protect their selfish interests by prolonging the debate on their sacred cows of sovereignty, territorial integrity and non-interference coupled with the suppression of freedom of choice and association. Accordingly, there is no purposeful operationalisation of liberal policies for the larger part of Africa because, selfish interests are still disguised in the zero sum games of national interests. However, despite the frustrations, the intrusive capacity of globalization as a process, its negative controversies not withstanding has generated an intensification of interdependence among countries and uplifted peoples awareness thus exerting un precedented pressure against autocracy.

In a nutshell, a new global socio-economic system is emerging brought about by the cultural exchanges, information technology, *laissez-faire*, population control and

ecologyism that enhances inter state relationships[307] that may hopefully contribute to the much awaited liberal democracy as opposed to a cosmetic change of name from Organization of African Unity to African Union. In the meantime, many obstacles still persist and Africa can only attain sustainable economic growth if it holistically redefines her major weaknesses of misrule and abuse of office with a desire to take charge of its own destiny by embracing genuine democratic rule of transparency and accountability against autocracy, builds and adheres to a culture of institutional dynamism, a collective African voice for a united stand on sub regional, regional and international affairs.

---

[307] Eric Masinde Aseka, "Globalisation, Intellectuals and Security," in *African Regional Security in the Age of Globalization* by Makumi Mwagiru, ed., (Nairobi: Heinrich Boll Foundation, 2004),p. 20.

BIBLIOGRAPHY

Act XII of Va 170

Act XVI Laws of Va 86

Africa Research Bulletin (PSC), 1993

AHG. Decl. IXXVI

Amate, C. O. C. *Inside the OAU, Pan Africanism in Practice.* London: Macmillan
Publishers Ltd, 1986.

Art. 20 Rule 37: Rules of Procedure

Ayittey, George B. N. *Africa Betrayed.* New York: St. Martin's Press, 1992.

Ayittey, George B. N. *Africa in Chaos.* New York: St. Martin's Griffin, 2001.

Banjul Charter

Bach, Daniel C. *Regionalisation in Africa. Integration and Disintegration.* Oxford and
Indiana: James Currey Ltd and Indiana University Press, 1999.

BBC Radio. Commentaries.

Becker, Eddie. "Chronology on the History of Slavery 1999." *Office of the Architectural
History and Preservation at the Smithsonian and National Zoo,* URL:
http://innercity.org/holt/slavechron.html

Black, Henry Campbell. *Black Law Dictionary.* St. Paul Minn: West Publishing, 1983.

Bronowski, J. and Mazlish, Bruce. *The Western Intellectual Tradition.* New York: Harper
Torchbooks, 1960.

Brownlie, I. *Principles of Public International Law.* London: Oxford Press, 1979.

Bull, H. ed. *Introduction in Intervention in World Politics.* 1994.

Burton, John W. *International Relations, A General Theory.* Cambridge: Cambridge
University Press, 1967.

Cameroon Tribune. July 13, 1990

Cameroon Tribune. August 9, 1986.

Cervenka, Z. *The Unfinished Quest for Unity: Africa and the OAU,* London, 1977.

Claude, Ake. *Revolutionary Pressures in Africa.* Zed Press: London, 1978.

Collingwood, R.G. *The History of European Liberalism.* Boston: Beacon Press, 1959.

Christenson, R. M. *Ideologies and Modern Politics.* Thomas Nelson and Sons Ltd, 1972.

CM/1710 (LVI) Rev 1: Report of the SG on Conflicts in Africa, June, 1992

CM/Res. 272 IXI

Colien, Herman J. "Good Governance, Democracy and Citizen Expectation in Africa." *Africa Demos* v. 124, # 4 (1995).

"Conference of African Independent States: Declaration and Resolution." Government Printer: Accra.

Coombs, Norman. "The Human Market of Slave Trade." in *The Immigrant Heritage of America.* by Coombs, Norman. Twyne Press, 1972.

Curtis, Mark. *Trade for Life: Making Trade Aid.* London, 2001.

C. P. Snow. "Science and Government." in *Science and Education in the African Context.* by Tsuma, O. G. Jomo Kenyatta Foundation, 1998.

Dame Eugenia Charles, *et al.* "A Future for Small States. Overcoming Vulnerability." *Report* by Commonwealth Advisory Secretariat. Marlborough House, 1997.

Daily Mail Sierra Leone. February 19, 1977.

Daily News Tanzania. July 19, 1979

Daily News Botswana. July 26, 1978

Daily Times Nigeria. July 24, 1979.

"Deepening Democracy in a Fragmented World." *UNDP Human Development Report,*

Decalo, S. *Coups and Military Rules in Africa; Etiology and Morphology.* USA: Vail-Baillou Press, 1990.

"Deepening Democracy in a Fragmented World." *UNDP,* 2002.

Deustch, Karl W., *et al. Political Community and the North Atlantic Area.* Princeton NJ: Princeton University Press, 1957.

Descoultilz, M. E. *Flore Pittoresque et Medicale des Antilles* v. 4 1883. URL: http://www.kurahulanda.com/site/museum.html

Diaku, I. "African Development Bank/African Development Fund, Problems and Prospects." in *The Future of Regional Integration in Africa* by Onwuka, Ralph and Sesay. A. London: McMillan Publishers, 1985

Dixon, Martin and McCoquodale, Robert. *Cases and Materials on International Law,* 3rd edition, London: Black Smith Press Limited, 1991.

Dougherty, James E., and Pfaltzgraff, Robert L. *Contending Theories of International Relations. A Comprehensive Survey.* 5th edition. New York: Longman, 2001.

DOC/OS xxvii 155 (23-25 July 1996) Annex

Dr. Salim Ahmed Salim. "OAU at 30. Reflections on the Past and Prospects for the Future." Speech. Africa Hall, Addis Ababa, May 25, 1993.

Dundas, C.C.F. "Native Coffee Cultivation on Kilimanjaro." Public Records Office, London, Cultural Office 691/70/379 May 12, 1924, in John, Ilife. *The Emergence of African Capitalism.* London: Macmillan Publishers, 1983.

Ethiopia Observer. August, 1960.

East African Standard Kenya. July 24, 1978.

ECOWAS International, Liberia

Esterhuysen, P. *Africa at a Glance.* Africa Institute of South Africa, Pretoria, 1998.

Fage, J.D. *A History of Africa.* 3rd edition. London and New York: Routledge.

Fanon, F. *The Wretched of the Earth.* Middlesex, England: Penguin, 1961.

Fohtz, W. J. *et al.* "OAU and Southern African Liberation." in *The OAU After Twenty Years.*eds. Y-EL-Ayouty and Zartman, I.W. New York, 1984.

Forteyne, F. K. Abiew. *The Evolution and Practice at 206 of the doctrine of Humanitarian Intervention.* 1999.

Fraternite Ivory Coast

George, T. Crane and Abla Amawi, eds., *The Theoretical Evaluation of International Political Economy, A Reader.* New York: Oxford University Press, 1997.

George, Susan. *A Fate Worse than Debt.* Harmondsworth, England: Penguin, 1988.

Ghanaian Times. July 21, 1979,

Ghana Today May 25, 1961. as quoted in *Dreams of Power.*

Giddings, Paula. *When and Where I Enter. The Impact of Black Women on Race and Sex in America.* 1984.

Gilpin, R. *US Power and the Multinational Corporation, The Political Economy of Foreign Direct Investments.* New York: Basic Books, 1975.

Gruhn, Isebill V. "The ECA/OAU Conflict and Collaboration." in *The Future of Regional Integration in Africa* by Onwuka, Ralph and Sesay, A. London: McMillan Publishers, 1985

Grunberg, I. *Exploring the Myth of Hegemonic Stability in International Organisation.* 1990.

Ha Joon Chang. *Kicking away the Ladder: Development Strategy in Historical Perspective.* London: Anthem Press, 2002.

Haas, Ernst B. *The Uniting of Europe.* Stanford, C. A: Stanford University Press, 1958

Hamilton, *et al. The Federalist.* New York: The Colonial Press, 1901.

Harris, R. P. ed., *The Political Economy of Africa.* New York: Schwenkan Publishing Co., 1975.

Hawkins, Joyce M. *The Oxford English Mines Dictionary Revised.* 3rd edition, New York: Clarendon Press Oxford, 1981.

Henkin, L. *International Law, Politics and Values.* 1995.

Henwood, Roland. *Good Governance and the Political System.* University of Pretoria, 2001.

Harbeson, J. W. "Rethinking Democratic Transitions: Lessons from Eastern and South Africa." in *State, Conflict and Democracy in Africa.* ed. by Joseph, Richard. London: Lynne Reinner Publishers Inc., 1999.

Herz, J. H. *Idealists, Internationalism and the Security Dilemma; World Politics.* January, 1950.

Holmes, S. "Constitutionalism." in *The Encyclopedia of Democracy.* Vol. I. ed. by Lipset, S. M. Washington: Congress Quarterly Inc., 1995.

Hon. Justice Marcus Einfeld A. O. Q. C. PhD. "Towards a More Participatory Democracy", Lecture, Sydney Australia, June 20, 2003.

Hutchful, E. and Bathily, A., eds., *The Military and Militarism in Africa.* Dakar Cordesia, 1998.

International Telecommunications Union Report, 1998.

Jeune Afrique. "Statement of Ivorian Leader." November 17, 1970.

Joseph, Richard. ed., *State, Conflict and Democracy in Africa.* London: Lynne Reinner Publishers Inc., 1999.

Junnicliff, Hellen Honor. *Judicial Cases.* Carnegie Institution of Washington, 1926 and 1936.

Kamanu, O.S. "Secession and the Right of Self Determination: An OAU Dilemma." in *Journal of Modern African Studies* (1974).

Karatnicky, *Comparative Freedom Survey.* 2000.

Krasner, S. D. *Regimes and the Limits of Realism: Regimes As Autonomous Variables, in International Regime.* London: Ithaca, 1983.

Kinfe, Abraham. *The African Quest. The Transition from the OAU to AU and NEPAD Imperatives.* EIIPD and HADAD, 2003.

Kithure, Kindiki. "The Legality and Applicability of Humanitarian Intervention to Internal Conflicts in Africa." *East African Journal of Peace and Human Rights* v. 7 # 1 (2001).

Kunwar, D. S. and Nyandemo, S.M. *Economics of Development Planning.* Bishen Hing Mahendra Pal Singh, 2003.

Laakso, Liisa. "Changing Notions of the Nation State and the African Experience: Montesquiue Revised." in *Challenges to the Nation State in Africa.* eds., Olukoshi, A. O. and Laakso, L. Appasala: Nordiska Africa Institute, 1996.

Lagos Conference, ECM/2 VII Parts 1-2, December 9, 1970.

Lagum, C. *Panafricanism: A Short Political Guide.* London and Dun now, 1962.

Lamb, David. *The Africans.* NewYork: Random House, 1984.

Langley, J. A. "Garveyism and African Nationalism in Race, 1969. The Garvey Movement in British West Africa." *Journal of African History* (1980), 157-172.

Leonardo, A. Villaton and Huxtable, Phillip A. *The Africa State At a Critical Juncture. Between Disintegration and Reconfiguration.* London: Lynne Rienner Publishers, 1998.

Leon Gardenker 'The OAU and the UN: Can They Live Together?" in Mazrui, Ali A. and Patel, Hasu H., eds., *Africa In World Affairs: The Next Thirty Years.* New York: Third Press, 1973.

Levine, V. T. *Political Corruption: The Ghana Case.* Palo Alto, California: Stanford University Press, 1975.

Le Monde Paris. May, 26 and 27, 1963.

Le Soleil - Interview with President Diouf, June 5, 1991.

Le Soleil Senegal. June 29, 1992.

Le Soleil Senegal. June 29, 1993

L'Essor Mali. July 21st – 22nd, 1990

L'Essor Mali November 21, 1966.

Lucian, Pye. "Political Science and the Crisis of Authoritarianism." *American Political Science Review* v. 84 # 1:3-19 (1990) in *Hutchison Encyclopedia.* 10th edition, Oxford: Helican Publishing, 1995.

Markovitz, L. *Power and Class in Africa.* New Jersey: Prentice Hall, 1977.

Macridis, R. C. and Burg, S. L. *Introduction to Comparative Politics: Regimes and Change.* 2nd edition, New York: Harper Collins Publishers, 1991.

Mazrui, A."Towards a Benign Recolonisation of the Disintegrating States of Africa."

Mbembe, A. "Democratisation and Social Movements in Africa." *Africa Demos* v.1 # 1-4.

M'buyinga, E. *Pan Africanism or Neocolonialism? The Bankruptcy of the OAU.* London, 1982.

Medi, Mugyeni. "Development First Democracy Second." in *Democratic Theory and Practice in Africa.* by Oyugi, W.O. and Gitonga, A. East African Education Publishers 1987, 1995.

M. G. Roskin, *et al., Political Science: An Introduction.* 4th edition, Englewood Cliffs: Prentice Hall, 1991.

Mitrany, David. *A Working Peace System.* London: Royal Institute of International Affairs, 1943. in Dougherty, James E. and Pfaltzgraff, Robert L. *Contending Theories of International Relations: A Comprehensive Survey.* 5th edition, London: Longman, 2001.

Murray, R. "The Social Roots and Political Nature of Military Regimes." in *African Social Studies.* ed. by Gutkind, P.W. London, Heinemann, 1987.

Nkurumah, K. *Neocolonialism: The Last Stage of Imperialism.* London, 1965.

Nkurumah, K. *Africa Must Unite.* 1st edition, New York, 1993.

Nyerere, J. K. "Democracy and the Party System." Public Speech cited in *Democratic Theory and Practice in Africa.* by Oyugi, W.O. and Gitonga, A. East African Education Publishers 1987, 1995.

Nyerere, J. K. "Corruption and Political Development." in *Political Corruption: The Ghana Case.* by Levine, V.T. Palo Alto, California: Stanford University Press, 1975.

Nyerere, Julius. *Freedom and Development - Uhuru na Maendeleo.* Dar-es-Salaam:

Oxford University Press, 1973.

OAU Charter article 3 (2)

OAU Declaration of a Mechanism for Conflict Prevention, Management and Resolution.

OAU Summit Conference Proceedings VL 1 Sect. 1 "Resolution on Decolonisation." paragraph 8-9.

Okongwu, O. "The OAU Charter and the Principles of Domestic Jurisdiction in Intra African Affairs." *Indian Journal of International Law*, 1973.

Okumu, Washington A. J. *The African Renaissance. History, Significance and Strategy.* Trenton and Asmara: Africa World Press Inc., 2002.

Omar, Jibich Abayo. *The Power Base behind Underdevelopment in Post Independence Africa. A Tentative Approach through Scenario Building.* Nairobi: Igena Printers and Stationers, 1999.

Onwuka, Ralph and Sesay, A. *The Future of Regional Integration in Africa.* London: Macmillan, 1985.

Orwell, G. *Selected Essays,* Baltimore, 1957.

Oye, K. A. "Explaining Co-operation Under Anarchy : Hypothesis and Strategies." in *Cooperation Under Anarchy. ed.* by Oye, K.A. Princeton, 1986.

Oyugi, W.O. and Gitonga, A. *Democratic Theory and Practice in Africa.* East African Education Publishers 1987, 1995.

Page, Willie F. *The Dutch Triangle: The Netherlands and the Atlantic Slave Trade 1621-1664.* New York: Garland Publishing, 1997.

Paul R., Viotti Mark V. Kauppi: *International Relations Theory: Realism, Pluralism, Globalisation,* New York, Macmillan, 1987.

Peter, Anyang Nyongo. ed. *Popular Struggles*

Peter Anyang Nyong'o. "From the Lagos Plan of Action to NEPAD: The Dilemma of Progress in independent Africa." Lecture, Pretoria, S. Africa, June 2002.

Peter Anyang Nyong'o. *The Study of African Politics: A Critical Appreciation of a Heritage.* Nairobi Heinrich Boll Foundation, 2002.

Pierre, Jon and B., Guy Peters. *Governance, Politics and the State.,* New York: St Martin's Press, 2000.

Ranney, A. *Governing.* 6th edition, Englewood Cliffs: Prentice Hall, 1993.

Roberts, G. O. "The Impact of Meeting Sittings of the Organisation of African Unity." in *Liberian Studies Journal* (1980-81).

Roberts, G. K. *Dictionary of Political Analysis.* London: Longman, 1971.

Rudolph, J.R. "Constitutional Governments" *International Encyclopedia of Government and Politics.* by Magill, F. N. Vol.1. Chicago: Salem Press, 1996.

Rutto, Sammy K. and Njoroge, George K. *The Democratization Process in Africa.* Nairobi: Friends of the Book Foundation, 2001.

Sakiko, Fukuda Parr. "Promotion of Democracy." Speech, Marrakech Morroco, December, 2002.

Sandbrook, R. *The Politics of Africa's Economic Stagnation.* Cambridge: Cambridge University Press, 1986.

Sankara, Thomas. in *La Revolution Burkinabe.* by P., Englebert. Paris, 1986.

Sembene, Ousmane. *Gods Bits Of Wood.* NewYork: Anchor Books, 1970.

Schmitter, Phillipe and Karl, T.L. "What Democracy is ... and is not." *Journal of Democracy* v. 2 # 3 (1991).

Schott Burchill, *et al., Liberalism, [Theories of International Relations].* New York: Palgrave, 1995/96.

Schwab, Peter. *Africa - A Continent Self Destructs.* NewYork: Palgrave, 2001.

Shaw, Timothy M. "Towards a Political Economy of Regionalism in Africa." in Onwuka, Ralph and Sesay, A. *The Future of Regional Integration in Africa.* London: Macmillan Publishers, 1985.

Sivard, Ruth Leger. *World Military and Social Expenditure.* 15th edition, Washington D.C.: World Priorities, 1993.

"Slavery in the United States." *Microsoft Encarta 98 Encyclopedia.* Microsoft Cooperation.

Smith, Malinda S. ed. *Globalising Africa.* Trenton and Asmara: Africa World Press Inc., 2003.

South Africa President Thabo Mbeki, Speech at the launch of the Africa Union, July 9, 2002.

Spengler, Joseph. "Physiocratic Thought." *Skills International Encyclopedia of the Social Sciences* Vol. 4.

Spykman, Nicholas J. *America's Strategy in World Politics*. Harcout Brace, 1942.

"Sub Saharan Africa; From Crisis to Sustainable Development." in Swynnerton Plan (Kenya), 1989.

Stein, A.A. *Why Nations Cooperate: Circumstances and Choice in International Relations*. London: Ithaca, 1990.

Tanganyika Standard. January 12, 1961.

Teson, F. *Humanitarian Intervention: An Inquiry into Law and Morality*. 1988.

The Economist – London. May, 2000.

The Monitor - Uganda. July 22, 2004.

The Washington Post. September 9, 1991.

Thucydides. *History of the Peloponnesian War*. ed. by Finley, M. I. England: Penguin.

Tsuma, O.G. *Science Education in the African Context*. Jomo Kenyatta Foundation, 1998.

UN Charter Article 52

UN Charter, Art. 99

UN Charter, Chapter 7.

UN Document – A/6174 of 16 December 1965

UN General Assembly Resolution 3201 (S-IVI) and 3202 (S-VI) 1974

UNGA Res 2131 (xx) 1965

UNGA Res 2625 (xxv) 1970

"United States of America Norwood vs. W. Barber C. R." 92-10024, April 5th, 1996.

URL: http//www.africanfront.com/history.php

URL: http://www.anc.org.za/ancdocs/history/mbeki/2002/tm0709.html

Wallerstein, I. *Africa: The Politics of Unity: An Analysis of a Contemporary Social Movement*

Walraven, K. V. *Dreams of Power: The Role of the Organization of African Unity in the Politics of Africa 1963-93*. Ashgate, 1999.

Welch, C. E. ed. *The Roots and Implications of Military Intervention, 'Soldier and State in Africa - A Comparative Analysis of Military Intervention and Political Change.'* Evastian, 1970.

Zambia Daily Mail. June 21, 1971.

Zambian Times. July 6, 1977.

Zambian Times. July 19, 1979.