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Summary

In July 2002, the Organization of African Unity (OAU), founded in 1963 during the decolonization era, was superseded by the African Union (AU). An AU Interim Commission, created to transfer the institutional and real assets and liabilities of the OAU to the AU, and establish the AU's organizational structure, is the focal point of AU activities during its inaugural year. The AU's policy agenda overlaps substantially with that of the OAU, but more strongly emphasizes a need for greater economic growth and for governance reforms. The AU is likely to confront many of the same policy and fiscal challenges faced by the OAU (see CRS Report RS20945, *The Organization of African Unity*). H.Res. 155, introduced in March 2003, urges U.S. support of the AU and its diverse economic and political goals. This report will be updated as events warrant.

Origins

The African Union (AU) has its roots in the Organization of African Unity (OAU) and the African Economic Community (AEC) Treaty of 1991. It came into force in 1994, following ratification by two-thirds of OAU member states.[1] The AEC Treaty set up a six-stage economic integration process leading to the anticipated creation, by 2028, of a common market and a range of common political and economic institutions. Its lengthy implementation schedule, however, meant that the treaty might yield few benefits for decades. This factor, along with increasing calls for a basic restructuring of the purposes, priorities, and organization of the OAU, ultimately led to its replacement by the AU. Developments in the late 1990s that contributed to the reform movement included:

- Increasing support by OAU member states for good governance and its rejection of undemocratic changes of power.
- A loosening of the OAU's adherence to its long-standing doctrine of non-interference by member states in the affairs of their peers, including

[1] For online information on the African Union, see [http://www.africa-union.org] and [http://www.au2002.gov.za].

some marked by human rights abuses and undemocratic transfers of power.
- The rising importance of economic liberalization, renewed attention to market-driven economic growth, and global trends toward regional economic integration.

H.Res. 155, introduced by Representative Meeks on March 2003, urges that the United States commend the AU's creation and support its diverse economic and political goals.

Sirte Summit. In September 1999, a summit of OAU heads of state held in Sirte, Libya assessed and sought to improve the OAU charter. The meeting, held on the 30th anniversary of Libyan leader Muammar al-Qadhafi's coup d'état, was seen as an effort to extend Libya's growing influence in Africa, and to end its international isolation in the wake of the Lockerbie airplane bombing.[2] Al-Qadhafi hosted the meeting to press for the creation of a United States of Africa, loosely modeled on the United States. Such a union, he asserted, was needed to further intra-continental economic development and integration, and to enable more organic relations to emerge between nations divided by arbitrary, colonial-era borders. He cited the AEC Treaty as the legal and institutional basis of his proposal, stating that it had fundamentally redefined the OAU Charter, and noting that it allowed for the creation of a range of common, pan-continental institutions. His proposal, which echoed 1960s-era pan-Africanist ideas, emphasized a need to resolve and prevent Africa's conflicts through the establishment of common defense institutions. Summit participants issued the Sirte Declaration. Explicitly referencing al-Qadhafi's ideas, it called for the revitalization of the OAU and provided for the creation of an African Union, which was to conform with the OAU Charter and the AEC Treaty. It also called for the accelerated implementation of the AEC Treaty, and set the year 2000 as the projected start-up date for a pan-African parliament. It tasked the presidents of Algeria and South Africa, in consultation with the OAU Contact Group on Africa's External Debt, with seeking a substantial reduction or the total cancellation of Africa's foreign debt.

Subsequent Developments. In March 2000, in Addis Ababa, Ethiopia, the OAU Council of Ministers ratified the Sirte Declaration. In July 2000, in Lomé, Togo, the OAU Assembly of Heads of State and Government adopted an African Union Draft Constitutive Act. It also requested that OAU member parliamentarians vet a Pan-African Parliament (PAP) Draft Protocol to the AEC Treaty, prior to its ratification. The AU Draft Constitutive Act text differed substantially from the model proposed by al-Qadhafi, and contained no binding provisions or timetables. In March 2001, again meeting in Libya, an OAU/AEC summit of heads of state mandated that the AU would come into being upon the 36th ratification by an OAU member state of the AU Constitutive Act — a benchmark reached in April 2001, when Nigeria deposited its instrument of ratification. The summit also adopted the PAP Draft Protocol, prior to its approval by OAU members.

An OAU/AEC Summit, meeting in July 2001 in Lusaka, Zambia, charged the OAU Secretary General, in consultation with OAU states, with determining the modalities

[2] Al-Qadhafi has sought to increase Libya's influence in continental affairs and deepen its bilateral relations with many African states by mediating in several conflicts and providing several African countries with grant, credit, and barter-based assistance, often related to fuel supply supports. See CRS Issue Brief IB93109, *Libya*.

necessary for the creation, structuring, and functioning of the organs of the AU. Priority was given to the creation of an Assembly, Executive Council, Commission, and a Permanent Representatives Committee. The same actors were charged with defining the areas of competence, inter-relationships, and linkages with other external multilateral, non-governmental, and professional organizations of the OAU's specialized agencies, and processes for reconstituting these as AU organs. The Summit also:

- Determined that regional economic communities would function as key "building blocks" of the AU. [3]
- Authorized the OAU Secretary General to "identify alternative modalities of funding the activities and programs of the [AU], bearing in mind that the Union cannot operate on the basis of assessed contributions from Member States only."[4]
- Mandated that, as provided by the AU Constitutive Act, OAU assets, liabilities, and agreements with other parties would devolve to the AU.

In July 2002 in Durban, South Africa, the final meetings of the OAU were held. They were followed by official inauguration of the African Union, and meetings of its Assembly, Executive Council, and Assembly of Heads of State and Government.

Structure and Functioning of the African Union

Organization. The Constitutive Act of the African Union defines the institutional structure, organizational principles, and broad policy roles of constituent AU organs. These include the following:

- An Assembly, an Executive Council, and a Commission of the Union.
- A Pan-African Parliament and a Permanent Representatives Committee.
- Court of Justice.
- Peace and Security Council.[5]
- Specialized Technical Committees, responsible to the Executive Council. These include committees on: Economy and Agricultural Matters; Monetary and Financial Affairs; Trade, Customs and Immigration Matters; Industry, Science and Technology, Energy, Natural Resources and Environment; Transport, Communications and Tourism; Health, Labor and Social Affairs; and Education, Culture and Human Resources.
- Economic, Social and Cultural Council.

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[3] Major regional trade and economic cooperation organizations include the Common Market for Eastern and Southern Africa (COMESA), the Southern African Development Community (SADC), East African Community (EAC), Regional Integration Facilitation Forum (RIFF), the Economic Community of West African States (ECOWAS), the Southern African Customs Union (SACU), and the West African Economic and Monetary Union (WEAMU).

[4] OAU, *Decision on the Implementation of the Sirte Summit Decision on the African Union*, Lusaka, Zambia, Dec. 1, 2001.

[5] The Council will integrate, augment, and functionally replace the OAU Mechanism for Conflict Prevention, Management and Resolution, which will remain in existence pending ratification by member states of the Peace and Security Council Protocol (ASS/AU/Dec. 3 [I]).

- Central Financial Institutions (including an African Central Bank; and African Monetary Fund; and an African Investment Bank).

The precise operational relationships among these organs and with their subsidiary bodies, and their structures, functions, mandates, and powers, are yet to be determined.

African Union Policy: NEPAD. A key AU policy vehicle is the New Partnership for Africa's Development (NEPAD), a multi-sector sustainable development and investment planning and advocacy framework. It has been endorsed by diverse African leaders and by key multilateral organizations.[6] A core feature of NEPAD is the voluntary, progress-based African Peer Review Mechanism (APRM). APRM signatory states will be subject to peer evaluations that will assess their degree of adherence to political, economic and corporate governance goals, codes, and standards contained in the NEPAD *Declaration on Democracy, Political, Economic and Corporate Governance*.

Defining the AU Agenda: Contrasting Visions of Reform

During the African Union inaugural summit in July 2002, leaders from across Africa joined together in a public display of continental unity and pageantry. The formation of the African Union, however, was reportedly the subject of significant, sometimes divisive debate among African leaders. The debate arrayed leading political and economic reformers, in particular advocates of NEPAD and of Africa's further integration into the global economy, against several leaders who have championed African political autonomy and nationalist policy agendas. The latter, including the heads of state of Libya, Zimbabwe, Namibia and Gambia, criticized NEPAD. They warned that for such a plan to be successful, it would need to be defined, realized, and controlled by Africans alone, independent of external influences. NEPAD was defined by foreign political and economic models, they asserted, and might subject Africa to externally-imposed political conditions in exchange for credit and other assistance. They also asserted that NEPAD would create financial dependency on external creditors.[7]

Libyan and South African Leadership Roles. Differences over the proposed purpose and role of the AU played out in reported disagreements between President Thabo Mbeki of South Africa and Libyan leader Muammar al-Qadhafi. The latter has promoted a range of populist, sometimes radical, proposals. These reflect traditional pan-Africanist goals emphasizing a need for greater continental unity and sovereignty vis-a-vis the industrialized world, and a strong rejection of policy conditionalities in exchange for access to credit. Despite al-Qadhafi's early conceptual contributions to the creation of the AU and his subsequent outreach efforts, the AU organization that ultimately emerged reflected broad African leadership support for NEPAD. The gradual displacement of al-Qadhafi's agenda by NEPAD reportedly gave rise to a leadership struggle between him and President Mbeki. During a June 2002 state visit by Mbeki to Libya, al-Qadhafi reportedly called NEPAD a project of "former colonisers and racists," i.e., of Western

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[6] See CRS Report RS21353, *New Partnership for Africa's Development (NEPAD)*. NEPAD documents are available online at [http://www.nepad.org/].

[7] See The Herald Online (Harare), "'No Differences Between Zim, AU over NEPAD'," July 31, 2002; Tangeni Amupadhi, "Nujoma Sceptical about NEPAD," July 29, 2002; Network Africa, "Gambia: President Jammeh Down on NEPAD," BBC, July 23, 2002.

governments.[8] He also reportedly attempted to delay the July 2002 initiation of the AU in Durban, South Africa in favor of a launch in 2003 in Libya, with Libya — not South Africa — as the first AU chair. Libya has helped some countries to pay their OAU arrears, in an apparent attempt to garner support and to increase its influence within the OAU during the transition to the AU. The president of Zambia, which received such assistance, reportedly championed the transfer of AU headquarters from Ethiopia to Libya, asserting that such a key role was befitting of Libya, as one of the richest AU countries.

The Libyan and South Africa governments have dismissed claims that a rivalry exists between them, and efforts to bridge their differences appear to have been successful, albeit broadly in favor of the South African agenda. President Thabo Mbeki was named as the first chairperson of the AU during its inaugural year, and the first AU summit was held in Durban, South Africa. Libya has indicated its acceptance of NEPAD and its Peer Review mechanism, and Libya is represented on the NEPAD Implementation Committee. Some AU inauguration summit participants reportedly believe that al-Qadhafi's presence in NEPAD could jeopardize the recent endorsement of the plan by the G-8 countries.[9]

Current Topics and Issues

HIV/AIDS. World-wide, Africa is the region currently most affected by the HIV/AIDS epidemic. In many African countries, it is rapidly decreasing life expectancy rates, reducing current and future economic production, and leading to enormous human resource losses, including within the educated work force. Some critics claim that NEPAD fails to substantively and pro-actively address the extreme devastation being engendered by the spread of AIDS in many African countries.

War and Conflict. Conflicts in Sierra Leone and Angola have recently ended, but hostilities continue in Somalia, Liberia, Burundi, Sudan and the Democratic Republic of the Congo (DRC).[10] Many other countries have faced armed insurgencies or periodically high levels of political violence in recent years. Such conflicts pose potent challenges to the AU goal of achieving continental peace and security, while upholding the doctrine of member states' non-interference in the internal affairs of their peers. In late April 2003, the AU began deploying the first 100 members of a planned 3,500-strong combined South African, Ethiopian, and Mozambican peacekeeping force that will monitor and reinforce a cease-fire and political succession aimed at ending Burundi's civil war.

Democracy and Governance Challenges. The extent of the African Union's determination to consolidate democratic institutions and culture, and ensure good governance and adherence to the rule of law — as reflected in the AU Constitutive Act and in multiple NEPAD texts — face immediate tests. In recent years, the constitutions of several African states have been amended expressly to allow current leaders to renew

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[8] Ranjeni Munusamy, "Mbeki's African Plan under Fire," June 16, 2002, *Sunday Times* (South Africa), *inter alia*.

[9] Carola Hoyos and Nicol Degli Innocenti, "Africa Launches a Union to Fight War and Poverty," July 10, 2002, *Financial Times*.

[10] Recent provisional peace accords relating to the DRC and Sudan conflicts, respectively, may lead to the end to these conflicts. Some observers remain pessimistic about such possibilities.

their terms of office. Such developments suggest that the power of incumbency, rather than the rule of law, effectively governs political power-holding in many African countries — although in several countries, including Zambia, Malawi, and Mozambique, the trend toward entrenched presidential incumbency has been reversed. In other cases, the legitimacy of recent local legislative elections administered by ruling parties have been questioned by opposition groups and outside observers. Key challenges facing the AU are disputed polls in Madagascar, Zimbabwe; Nigeria also held a widely criticized election.

Madagascar. In the island nation of Madagascar, contested presidential elections in late 2001 led to a tense, violent, half year stand-off between the two candidates and their supporters. After the election, the challenger, businessman Marc Ravalomanana, citing electoral irregularities, declared himself the electoral winner over Didier Ratsiraka, the longtime incumbent. The Malagasy Supreme Court later sanctioned his claim. In June 2002, the United States and several other powers formally recognized Ravalomanana's government, and France soon followed suite. The AU, however, has not recognized the new government, and has called for new elections. Senegal, which had tried to mediate in crisis, did not endorse the AU decision. It recognized the new government, as did Burkina Faso, Mauritius, Libya and the Comoros. There are indications that the AU may soon recognize the current Malagasy government.

Zimbabwe. In contrast to its Madagascar decision, the inaugural AU Assembly tacitly accepted the highly disputed March 2002 re-election of Zimbabwean President Robert Mugabe, which was preceded by extensive political violence and a controversial land redistribution program. Although the AU did not directly address the election, it affirmed earlier OAU endorsements of it, mirroring acceptance of the election by sub-regional leaders and SADC. In contrast, the United States, the European Union, and other countries rejected the Zimbabwean poll. Leaders of the Zimbabwean opposition Movement for Democratic Change, some of whom were prevented from attending the AU inauguration, called upon the AU to use the NEPAD African Peer Review Mechanism to sanction the Zimbabwean government for abuses of human and political rights.

Elitism and Popular Participation. Civil society activists have long charged that the OAU was a state-centric forum that upheld the interest of political elites, rather than the public good. Some critics predict that the AU may become subject to similar biases, and assert that without much broader input from African societies at large, the AU will become irrelevant to the needs of the majority of Africa's citizens. Still, many critics see positive potential in both the AU and NEPAD, and leading AU architects, such as President Mbeki, have recognized their concerns in public statements. Mbeki has sponsored forums focusing on AU-related policy goals of diverse civil society groups.

Structural Poverty and Financing of NEPAD. The AU may face difficulties in financing its ambitious agenda, as did the OAU. The average sub-Saharan per capita in 2002 was $470 and was much lower in many non-oil-producing countries. In addition, wealth is highly unequally distributed in many African countries; even in the wealthiest of sub-Saharan countries, the majority of people are poor. While NEPAD is an attempt to improve the economic standing of Africa in general, growth that it may generate is likely to occur over the medium to long-term. In the short to medium term, funding shortfalls are likely to curtail the ability of the AU to meet its planned objectives.

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