

# Re-thinking Pan-Africanism and African Integration

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## Abstract

It is 129 years since an African-American journalist in Chicago coined the word “Pan-Africanism”. Pan-Africanism began as a gift of the diaspora to the African continent. These civil society initiatives in the diaspora culminated in an elaborate permanent, continental, state-centric institutionalisation, starting six decades ago with the Organisation of African Unity (OAU) in 1963. Its current dispensation is the African Union, and sub-regional organisations such as the Economic Community of West African States, the East African Community, and the Southern African Development Community. Diplomacy, peace-making, and economic integration have been prominent dimensions of Pan-African endeavours. As well as the continuing growth of African diasporas in countries ranging from the USA to China, we need to note the precarious position of growing intra-African diasporas in other African countries. Pan-Africanism will remain fragile until it can grow mass support, as opposed to being usually limited to intellectuals and some members of the ruling elites. African integration has not yet achieved the extraordinary supra-national aspirations enunciated in its treaties. Taken literally, they would require such significant concessions of national sovereignty as to amount to a post-Westphalian dispensation. But dense, overlapping networks of inter-governmental organisations, and continental NGOs, continue to proliferate and have substantial successes to date. These range from multi-lateral peace-enforcement expeditionary forces, to free trade areas and the start of common markets. Diplomatic alliances mark the essence of most sub-regional organisations and explain why they continue to thrive, notwithstanding the “spaghetti bowl” incomprehension of some economists and law scholars about their entanglement. We can confidently predict the continued growth of inter-governmental organising, sub-regional and continental NGOs, and Pan-African corporate expansion of an order of magnitude above what currently exists.

**Keywords:** Pan-Africanism, African Integration, African Union, African Continental Free Trade Area, supra-nationalism

**DOI:** <https://doi.org/10.36615/ajpsrasp.v10i1.1151>

## Introduction

The methodology of this article is an eclectic blend including constructivism and Pan-Africanism. Its central argument and theme are that the African Union (AU) and its affiliates compare well with other inter-governmental organisations such as, for example, the Organization of American States, and the Association of South-East Asian Nations. But because some of the AU *acquis* and treaties would require supra-national powers to be enforced, which it lacks, the AU tends to be more severely criticised than its peer organisations.

Pan-Africanism is the political driver, and globalization is the economic driver, behind African integration. Today, the continent overshadows its diaspora in Pan-Africanism’s organisational dimension. Alongside inter-governmental organisations are African corporations broadening their business operations into other countries on the continent, plus international business associations, professional associations, and NGOs. With six decades of African integration and twelve decades of Pan-Africanism, this is an appropriate moment to both take stock of achievements and re-think persistent and troubling problems.

## Re-thinking Pan-Africanism

Pan-Africanism, aiming at the unity of all Africans and persons of African descent, began with civil society initiatives in the diaspora for six decades; then became a state-centric narrative for six decades of institution-building. Latterly, the African Union's inter-governmental structures broadened to include 20 diaspora NGOs in one institution, the Economic, Social & Cultural Council, but this project flagged after 2012. (Maloka, 2019, pp. 227, 233). The literature conventionally writes of five Pan-African congresses. In fact, the "First" Pan-African Congress was at least the third, and there have been at least fourteen such civil society conferences to date.

### Box 1: Pan-African Congresses

- 1893: Congress on Africa. Chicago; name "Pan-Africanism" coined.
- 1900: Pan-African Congress. London.
- 1919: "First" Pan-African Congress. Paris.
- 1921: "Second" Pan-African Congress. London, Paris & Brussels.
- 1920s: "African for the Africans" – zenith years for UNIA branches in Africa.
- 1923: "Third" Pan-African Congress. London & Lisbon.
- 1927: "Fourth" Pan-African Congress. New York.
- 1945: "Fifth" Pan-African Congress. Manchester.
- 1958: First All-Africa People's Conference. Accra.
- 1960: Second All-Africa People's Conference. Tunis.
- 1961: Third All-Africa People's Conference. Cairo.
- 1974: "Sixth" Pan-African Congress. Dar-es-Salaam.
- 1994: "Seventh" Pan-African Congress. Kampala.
- 2004: AU inaugurates permanent Economic, Social, & Cultural Council, including 20 diaspora NGOs; diaspora contingent dormant after 2012.
- 2014: "Eighth" Pan-African Congress. Johannesburg.
- 2015: "Eighth" Pan-African Congress. Accra.

*Sources:* Gottschalk. 2012, 12. <http://www.ituc-africa.org/8TH-PAN-AFRICAN-CONGRESS-CALLS-FOR.html>

There are various strands within Pan-Africanism. Garveyism was a Pan-Negroism, excluding Africans of Arab, Indian, and European ancestry, and its Universal Negro Improvement Association had active branches in port towns on the west coast of Africa during the 1920s. More recently, the "Eighth" Pan-African Congress in Johannesburg in 2014 expressed its opposition to Arabicization in the northern part of the continent. The majority strand in Pan-Africanism may be conceptualized as continentalism plus the diaspora. From the 1893 Congress on Africa, one or more delegates came from Egypt and other Arabic-speaking countries in Africa. Currently, the African diaspora remittances comprise a major source of foreign exchange to numerous African countries from Nigeria to Morocco, and often exceed grants of foreign aid. Necessity is the mother of invention, and more African governments can be expected in the future to issue bonds directed at their diaspora, as Morocco has done, or to legislate permanent residence visas for descendants of their mother country, as India has implemented.

Africa's diaspora is conventionally conceptualized as the diaspora in both Americas and the Caribbean; plus, those in Europe and, rarely written about, the diasporas in south-west Asia. For example, Indians of African descent have won a court ruling in one Indian state entitling them to "reservations" (i.e. affirmative action). Less analysed are what we may term Africa's internal

diasporas. South Africa hosts an estimated two million foreign Africans, mostly in Gauteng Province, where foreign workers have a history going back fourteen decades. Since May 2008, episodic xenophobic *pogroms* have seen mobs attack some of them, steal their possessions, and loot *spaza* shops owned by foreign Africans. These attacks provoked retaliatory attacks in Nigeria against South African businesses over there. (Bateman, 2017). These internal diasporas also participate in political protests. The Ethiopian diaspora in South Africa, for example, held a protest outside the head office of the Department of International Relations and Cooperation (DIRCO) against the Ethiopian civil war in Tigray. (Mohamed, 2020). In the Ivory Coast, supporters of *Ivorité* have attacked native-born Ivorians whose parents immigrated from countries to the north (Wheeldon, 2015). In the DRC, *Congolité* brought the same ethnic mobilization (Onah, 2011). Supporters of *Congolité* attack native-born Congolese who are the great-great-grandchildren of immigrants from Rwanda and Burundi, whom they sometimes term Bamyamulenge.

These riots and *pogroms* indicate that in too many African countries support for Pan-Africanism is limited to an elite of intellectuals, political leaders, and governmental officials in foreign affairs departments, but lacks depth of support amongst the majority. Remedying this will require more than political education campaigns: when South African unemployment is at 42% (Head, 2020) some politicians and internet activists will inflame claims that foreigners “steal jobs” from South Africans; with variants of this in other countries. The latest example is that the National Truck Foundation and the All Truck Drivers’ Foundation demand that South African freight companies stop employing foreign truck drivers. Scores of trucks have been petrol-bombed (Hosken, 2020).

The Brexit vote, and Trump voters amongst US workers whose factory jobs had relocated to Mexico or China, add to the international examples which serve as warnings to African political elites to not become complacent, but to renew popular mobilisation and create support for Pan-Africanism during every five-year election cycle.

### Re-thinking African Integration

The OAU was founded, like the earlier UNO, Organization of American States, and Arab League, on an unequivocal principle of non-interference in the domestic affairs of a member state (OAU Charter, 1963, Article 8).

Starting with the African Commission of Human and People’s Rights in 1980, new institutions and their procedures introduced – theoretically – supranational mandates and jurisdiction. This evolution might have been possible due to an industry of ghost-writers, as the OAU, AU, the sub-regional organisations, and their organs’ secretariats all hired NGOs to draft documents (Tieku, 2016, p. 14). In some cases, these were European NGOs that were hired by donors (AU Audit, 2008, p. 85). Some of these NGO intellectuals, Pan-Africanists or Pan-Europeanists, were evident enthusiasts of the capabilities of supra-nationalist institutions and protocols. But their political principals, the heads of state and government, pushed back against this, considering their personal and political interests to require the defence of undiluted and undiminished national sovereignty. During the 1980s-2010s, the OAU and AU assemblies of sovereigns voted to pass many key treaties without reading them, or even their executive summaries (Tieku, 2016, pp. 8, 14, 34-37). When they realised the consequences, such as regional or continental court rulings annulling government actions, many of these states, ranging from Benin to Zimbabwe, angrily withdrew from such treaties or even revised the protocol to diminish or rescind the jurisdiction of a regional court (Kode, 2021). In particular, the right of an individual citizen or company to appeal from the highest court of the land to a supra-national court beyond the country’s borders triggered pushbacks from authoritarian rulers.

The first attempt to circumvent or limit article 8 of the OAU Charter came in 1980 with the African Charter of Human and Peoples' Rights, (often called the Banjul Charter) unanimously signed in 1981, but which only came into force in 1986. This established an African Commission of Human and Peoples' Rights. (<https://www.achpr.org/legalinstruments/detail?id=49>) This Charter provided the restricted right that all persons had the right to express their political and other opinions "within the law", (Article 9) - but did not venture to state how much the law itself might restrict such political and religious opinions. Article 47 permits any member state to object to violations of human rights in any other state, the first continental pushback against Article 8 of the OAU Charter, then twenty-three years old. The Commission on Human and Peoples' Rights could make a report to the Secretary-General of the OAU (Article 49) and make recommendations to the Assembly of Heads of State and Government (Article 53). There is no evidence that any state ever made such objections against another state, still less that this resulted in the lifting of censorship of a newspaper or other media, nor in the release of political prisoners. That point conceded, it nonetheless was a first step in laying down a continental law, which on paper overrides Article 8 on national sovereignty.

An African Court of Human and Peoples' Rights was later set up alongside the Commission on Human and Peoples' Rights. This protocol was signed in 1998, but only came into effect in 2014, due to so many governments being reluctant to ratify. This was notwithstanding that the protocol merely stated that states who wanted to could entitle NGOs and individuals to lay complaints before the Court. (Articles 5(3) and 34(b)). The protocol on the Statute of the African Court of Justice and Human Rights, signed in 2008, has never entered into force, due to so many states refusing to ratify it: Article 30 of the Annex proposes to broaden those entitled to submit cases to the Court to African NGOs accredited to the AU.

This is the appropriate place to mention the African Charter on Democracy, Elections, and Governance, signed in 2007 and coming into effect in 2012. Its articles 2(3) and 3 (4) commit the signatories to free and fair elections, with Article 17 specifying that this includes access to state-controlled media. Articles 2(2) and 10 both commit to the supremacy of the constitution above other laws. The relevant point here is that the only way to implement such a treaty, in reality, would be through intervention in the domestic affairs of the country and regime concerned.

The Treaty of Abuja (1991) and the Constitutive Act of the African Union (2000) both sought, to an unprecedented extent, to import lock, stock, and barrel the norms, institutions, and procedures of the European Union into the African continent. These constituted a mix of inter-governmental and supra-nationalist institutions and procedures.

The Treaty establishing the African Economic Community, hereafter called the Abuja Treaty, has clauses that mark an evolution from the OAU Charter stipulation of non-interference in the domestic affairs of a state that are, on paper, striking. The article on principles of an African Economic Community includes that famous EU terminology "harmonisation of policies" (Article 3 (c)), and the recognition, promotion, and protection of human and people's rights in accordance with the provisions of the African Charter on Human and Peoples' Rights. (Article 3 (g)). Clearly, the only mode of protecting human rights from authoritarian rulers is interference in a repressive state's domestic affairs. Article 4(2)(g) stipulates establishing a common external tariff; and sub-clause (h) the establishment of a common market, which requires the partial ceding of authority over economic policies, and abandonment of protectionism by national states and sub-regional entities.

The Constitutive Act of the AU (2000) has articles stipulating the political *integration* (not just cooperation) of Africa (Article 3 (c)); to promote democratic principles and institutions, popular participation, and good governance (Article 3 (g)); and the right to intervene in genocide, crimes against humanity, and other grave circumstances. (Article 4 (h)). In fact, the AU has not in its two

decades ever invoked this right. Should it do so in the future, it would be a significant step towards evolving a post-Westphalian continental regime.

The Abuja Treaty requires the founding of the Pan-African Parliament in the last phase ending in 2034: it was in fact inaugurated in 2004, through indirect elections from national parliaments. The PAP has sought during its first two decades to establish its role in oversight of peace-keeping; in monitoring national elections; and in discussion on the AU budget. The PAP has recently set up a Civil Society Forum.

The potential of the PAP to democratise the AU lies in it being the only AU entity, alongside ECOSOCC, whose members do not constitute governmental officials. Further, its protocol explicitly requires a minimum of one out of five MPs in every national delegation to come from an opposition party in that parliament. Also, one out of each five must be a woman, a first for any such regional parliament. Several factors have so far prevented the PAP from fulfilling its potential. First, many of the national parliaments seconding its MPs are rubber-stamp parliaments, and their delegation will be in the same mould. Second, the PAP has yet to acquire that crucial parliamentary power of veto over the AU budget, which the European Parliament (EP), for example, has won. Third, and most importantly of all, there is no effective link between the African person in the street and the PAP: it is regularly criticised in the media for being more concerned with members' privileges than with the plight of the continent's majority.

There can be no substitute for the PAP, like the EP, evolving to direct elections. Here, it would be wise to avoid the mistake of the EP, where separate elections for the EP result in such low percentage polls as to detract from its legitimacy. The PAP would best in the future have a PAP voting paper added to the national parliamentary voting paper in general elections. Almost all who vote for their own parliament would simultaneously vote for their choice of MP for the PAP, resulting in a respectable percentage poll. Such PAP MPs would then remain on standby until called up for the new session of the PAP. In 2005, AU members signed the Non-Aggression and Common Defence Pact whose Article 4(d) states:

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“As part of the vision of building a strong and united Africa, State Parties undertake to establish an African army at the final stage of the political and economic integration of the continent.”

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“At the final stage” is diplomatic coding for only after the terms of office of all heads of states and governments present has expired. Also, the Pact wording does not specify whether establishing “an African army” means the integration of national armies, or simply a NATO-style deployment of some army units, in addition to armies remaining on national military duties.

In 2014, the AU adopted the African Integrated Maritime Strategic Plan for 2050. Its objectives include establishing a “Combined Exclusive Maritime Zone of Africa” (point 21) which will “engender collective efforts” (AU Maritime Strategic Plan, 2014, para. 29) and proposes that a “CEMZA, be[come] a common African maritime space without barriers” (AU Maritime Strategic Plan, 2014, para. 30). One implication is that African navies will jointly patrol it, regardless of national maritime borders. This is the context in which Dr. Nkosazana Dlamini-Zuma referred to the “pooling of sovereignty”, and “the collective exercise of sovereignty”. Point 31 of the strategy proposes “a naval component within the African Standby Force” (AU Maritime Strategic Plan, 2014, para. 31). An analyst cannot but notice that the strategy proposes that such potentially supra-national features will only come into effect thirty-six years in the future. This too is diplomatic coding that it will be only after the end of terms of office of all heads of state signing the treaty.



## Pan-African Prestige and Institutions

Two dimensions indicate how the prestige of Africa, and of being African, rose since independence. During the nineteenth century, Khedive Ismail “ardently desired detaching Egypt from Africa and reattaching it to Europe” (Russell, 2004, p. 231). A century later, President Nasser made Egypt a founding member of the OAU and its African Liberation Committee in 1963. In 2019–2020, President al-Sisi served a term as AU Chair, and launched an annual African Investment Forum, hosted in Egypt. (Al-Youm, 2019).

Malvern van Wyk Smith (2009) noted that the Ethiopian imperial family historically emphasised its extra-African Solomonic ancestry, rather than an attachment to Africa. Even when he wrote this, his imputation was already anachronistic by over four decades. Starting with Emperor Haile Selassie, Ethiopian foreign policy re-oriented itself to Pan-Africanism, hosting the headquarters of the OAU and subsequently the AU, its Peace and Security Council, and other organs. During 1960–62, the Madagascar Government insisted on describing itself as Malagasy, not African, insisting that this name be included in organizations it joined. But from 1963 Madagascar has accepted membership in the OAU and AU without repeating such cultural distancing from being described as “African”.

In 2006 the USA became the first government to have an ambassador present credentials to represent it to the AU, followed by over fifty other states. In 2009 the AU accredited a permanent representative to the USA. No state-accredited ambassadors to the OAU. This reflects the order of magnitude higher global standing and operations of the AU.

Formally speaking, the institutions listed in Figure 1 are a blend of AU organs, specialized technical agencies, quangos, and continental and sub-regional affiliates. It is more analytic to arrange them by function, which is how this table is organised. This visualizes what Alvarez highlights with surprise:

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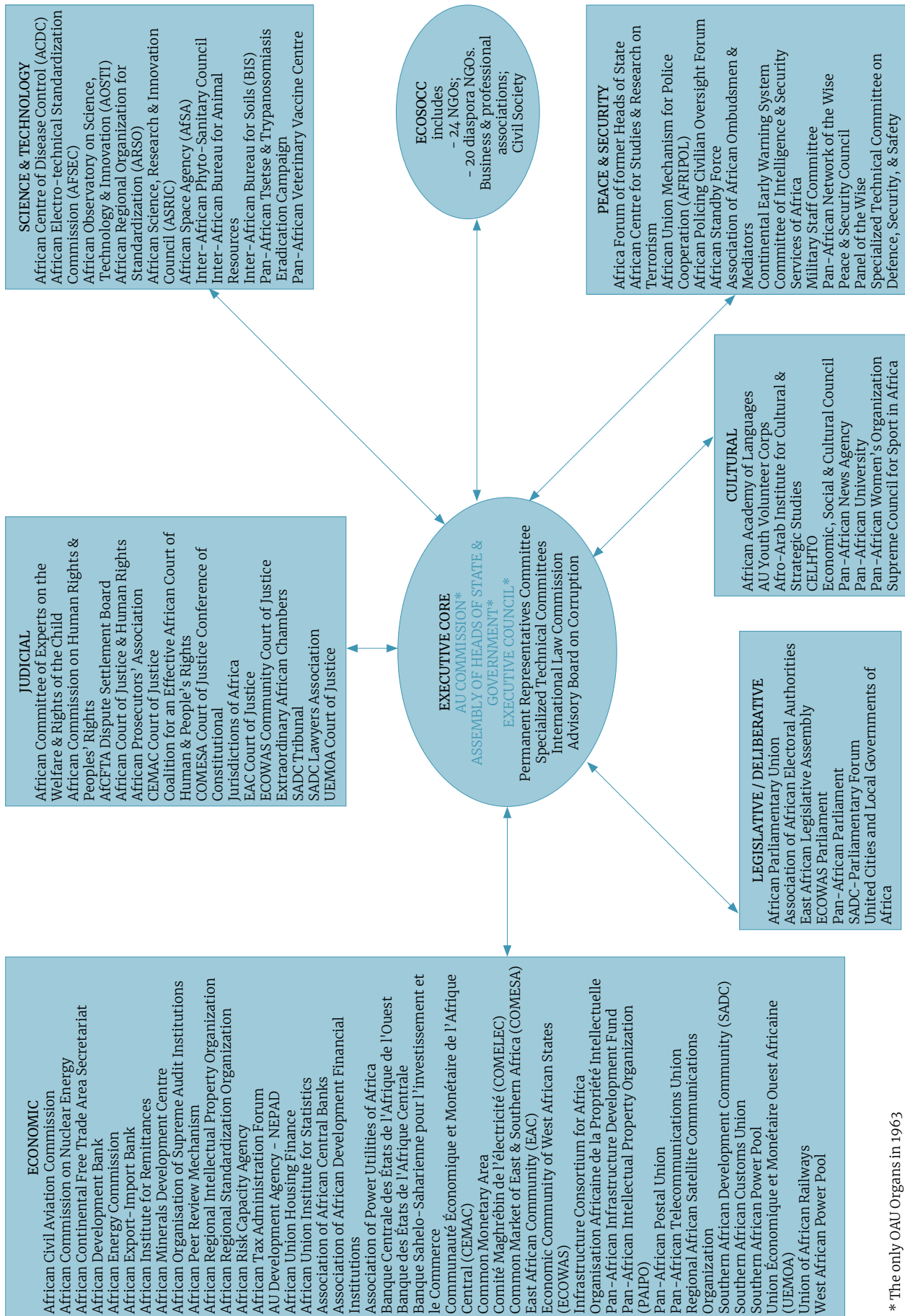
“The treaty provisions establishing these African institutions anticipate international organisations charged with discharging the kinds of plenary executive, legislative, and even judicial powers once associated exclusively with national governments” (Alvarez 2005, p. 116).

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The most successful of the regional economic communities are the Economic Community of West African States (ECOWAS), founded in 1975, and the East African Community (EAC), revived in 2000. The Southern African Development Community (SADC), whose antecedent was founded in 1980, has been less successful at norms diffusion but is very much operational. (Khadgiagala, 2018). The worst failure is the Arab Maghreb Union (UMA), founded in 1989. Even entities established to work around its failure, such as the North African Regional Capability (NARC), and its North African Standby Brigade, themselves fail to be operational. (Gottschalk, 2020). The Economic Community of Central African States (ECCAS), founded in 1983, can at best be characterised as intermittent and partial in its functioning. ECOWAS and the EAC are also the least vulnerable to donor dependency, mostly funding themselves by a community levy on imports from third-party countries.

The Treaty to establish an African Economic Community entered into force in 1994 and schedules a forty-year programme to integrate Africa. The latest stage of this to enter into force (in 2019) is the African Continental Free Trade Area (AfCFTA). Pan-Africanists should note that free trade areas and common markets have provoked political controversies and backlash on at least three continents: North America, Europe, and Africa. Though US Republican President Ronald Reagan proposed the North American Free Trade Agreement, Republican President Donald Trump demanded that NAFTA (ratified in 1994) be terminated and replaced by the USMCA treaty in 2020. The new treaty raised the Rules of Origin for autos to 75% local content. There were protests from US auto and other workers over the earlier NAFTA when their jobs migrated southwards.

Figure 1: African Union Family: Operational Entities



\* The only OAU Organs in 1963

The United Kingdom (UK) voted by a 67.23% majority to join the European Community in 1975. Forty-one years later, by 2016, only 48.11% voted to remain. The winning Brexit campaigners highlighted the issue of the net funds transferred to the EU, and argued that the European Commission, and European Court of Human Rights, undermined the UK's sovereign control. These international analogies warn Pan-Africanists of sombre pitfalls. A perception of loss of sovereignty alienated many British voters, and would need robust future political campaigns to be persuasively justified head-on. A net loss of budget will require the political class to make strong justifications and benefits for voters to persuade them to continue their support. The British political elite of both parties became complacent, and failed to win over their voters afresh, for Pan-European solidarity, during every five-year electoral term.

Pan-African attempts to rise from an inter-governmental to a supra-national level sometimes meet with regime resistance. Treaties constituting sub-regional courts, such as the ECOWAS Community Court of Justice (ECCJ), the East African Court of Justice (EACJ), and the now-extinct Southern African Development Community Tribunal (SADC-T), include the consequence of national governments submitting to the jurisdiction of a court beyond their borders. This implies what we may conceptualise as polycentric sovereignty. In the case of the SADC-T, the Zimbabwe regime led lobbying to narrow the tribunal's jurisdiction, to prohibit it from accepting lawsuits brought by individuals or companies against governments (Nathan, 2013a).

Some South African media commentators were critical of this diminution of the SADC-T, and also critical of the South African Government's decision to not arrest the visiting Sudanese President Omar al-Bashir, for whom there was a warrant of arrest issued by the International Criminal Court. The same commentators failed to criticise UK Prime Minister David Cameron when he said that it was inconceivable that the UK would submit to the European Court of Human Rights jurisdiction, and he would take strong action if it attempted to judge a case concerning the UK (Guardian, 2015). His successors repeatedly cited as a major justification for Brexit the need for the UK to refuse to be under the ECHR's jurisdiction.

The US Government had always refused to join the treaty creating the International Criminal Court. When an ICC prosecutor started investigating alleged war crimes committed by US troops in Afghanistan, the US Secretary for State, Mike Pompeo, announced sanctions against all ICC personnel involved (BBC, 2020). When Los Angeles authorities arrested a former Mexican defence minister (lower-ranking than a head of state) on drug smuggling charges, the US prosecutors declined to prosecute, explicitly citing foreign policy considerations as the reason (France24, 2020). Again, no South African commentator criticised these decisions. Clearly, some South African commentators and media judge the South African Government's actions, and those of other African states, by a higher standard than the bar they use to judge the UK and US governments. Perhaps the colonial cringe is to blame.

There have been protracted problems with Africa's inter-governmental organisations. Heads of Government have been reluctant to cede meaningful powers to the SADC and other regional communities (Nathan, 2013b). The OAU bureaucratic problems which the "strictly confidential" Adu Report spelled out in 1972 (Wolfers, 89) remained all too stark when spelled out at greater length over three decades later in the AU's audit of 2008 (AU Audit, 2008, pp. 44, 47-49, 52, 59). Much of the member governments' resistance to implementing REC and continental protocols and treaties is an inevitable consequence of the heads of government not even reading the treaties, nor even their executive summaries, before voting on them (Tieku, 2016, pp. 8, 14, 34-37).

On paper, the Constitutive Act of the AU (2000), in article 4 (d) commits its member states to "a common defence policy". But peacemaking has led to the establishment of some foreign military



bases in Africa. In April 2016, the AU's Peace & Security Council called on member states to be "circumspect" when "entering into agreements" that would lead to the establishment of foreign military bases in their countries (Atta-Asamoah, 2019). There are at least 27 known US military outposts across Africa. At least eleven states from outside Africa have a military presence. Numerically, the largest are 7 550 French military personnel, and 6 000 US military personnel at 27 outposts (Turse, 2020). Russia's presence was limited to only mercenaries, but what are currently termed defence contractors or consultants obviously require passports and official toleration, as in line with the foreign policy of their home state, for combat work abroad. In the colonial epoch, foreign military bases underpinned imperial rule in Africa. Even in the post-colonial half-century, scores of French military bases and interventions saw the overthrow of some Francophone rulers. Today, foreign military bases are in Africa as negotiated, to pay rental with the host governments, but the potential to undermine national and continental sovereignty always remains.

### Quangos, Corporate, and Civil Society Sectors

Too often, literature on Pan-Africanism and African integration have the narrowest possible focus, limited to intergovernmental organisations. This omits the increasing importance of the corporate sector, with African companies founding branches in several countries, and also the quasi-nongovernmental organisations, the QUANGOs. A few representative selected examples are listed below. Power utilities, both public and private, have interconnectors. The *Comité Maghrebin de l'Electricité* (Comelec) runs a 2 700 km power line linking up the national grids of all countries from Morocco to Egypt. The West African Power Pool (ECOWAPP) and the Southern African Power Pool (SAPP) have similar interconnectors: SAPP links nine national energy grids. These confer in the Forum of the African Regional Energy Pools. At the individual corporate level, they are also members of the Association of Power Utilities of Africa (APUA).

It would be a major research project in itself to compile an inventory of all the continental and sub-regional NGOs, professional, and business associations. They range the alphabet from the African Airlines Association, and the African Union of Architects, through to the African Medical Association and Pan-African Lawyers' Union, to the African Association of Zoos and Aquaria. Since this is a scholarly publication, it is appropriate to single out the African Association of Political Science (AAPS), and CODESRIA, the Council for Development of Social Research in Africa, as examples of Pan-African NGOs. Lastly, with so many "partly free" and "unfree" countries on our continent, the African Network of Centres for Investigative Reporting also deserves to be singled out for the courageous exposes of its members' national regimes' repression and kleptocracy.

Many of the largest African companies naturally branch out to run business operations across a region or our continent. Rival lists of the top African banks compiled by African Business (2020b) and The Africa Report (2020) show much congruence, with many of the banks with the largest assets operating in more than one country. Similarly, the African companies with the highest market capitalisation (African Business, 2020a) often operate in more than one country.

The African Security Exchanges Association (ASEA), founded in 1993, has 27 stock exchanges as members. Its African Exchanges Linkage Project enables brokers in seven stock exchanges to place orders in each other's exchange; this will be incrementally extended to the other stock exchanges. This will help deepen Africa's capital market and start their integration.

The Pan-African Payment and Settlement System, launched in 2019 by the African Export and Import Bank (Afreximbank), avoids use of the dollar and other third party currency costs in transactions between African countries, and will so save an estimated \$5 billion per year in seigniorage (Wass, 2019). This is one more incremental step towards Pan-African ways of doing trade, prior to the

ultimate merging of currencies. Since the EU took half a century to negotiate the launch of its single currency, the Euro, and even today only half its member states have adopted it, it will be prudent to assume it will take the AU an even lengthier time-frame. Confirming this is that the Anglophone and Francophone states of west Africa have repeatedly postponed over two decades their attempt to launch the ECOWAS Eco, which will merge their currencies. The East African Community has also had a decade of efforts without success to launch a single currency, even though this will be in essence reviving the colonial precedent of the East African Shilling of a century ago.

### Some Obstacles to Economic Integration

Implementing the African Continental Free Trade Area (AfCFTA) faces immense and diverse challenges. Country after country reports the same experience as Nigeria:

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“The prospect of sending a truck full of cargo across the country is daunting. Not only does the terrible state of the ports and roads make the logistics costs eye-watering, but the driver will also have to have wads of naira to pay off the inevitable bribes” (Olurounbi et al., 2020, p. 55).

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In two provinces alone of the Democratic Republic of Congo, North and South Kivu, there are 798 roadblocks demanding tolls at gunpoint. (Schouten et al., 2017). Many other African countries have roadblocks manned by rival police or militia which each act like the feudal robber barons who ran chains across the Rhine and Danube rivers, to exact tolls from barges.

The Treaty for an African Economic Community (hereafter called the Abuja Treaty), which came into effect in 1994, posits the AfCFTA as merely one stage before a scheduled upgrade into a continental customs union (scheduled for 2023), followed by a continental common market (scheduled for 2028). But to upgrade the AfCFTA into a continental customs union, one of the biggest obstacles to negotiating will be that already Morocco (in 2000), Egypt (in 2004), and Tunisia (in 2008) all signed free trade association agreements with the EU. Egypt has since 1997 also been a member of the Arab League Free Trade Area. Unless a future African customs union sets at 0% import duties from the EU, its mere establishment would require those three states to withdraw from, or at least to substantially re-negotiate their FTAs with the EU. Mangeni and Juma wisely caution us that:

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“Free Trade Agreements with some third-party countries is resulting in adverse implications for the [African] integration programme. This trend is observed in many other AU states and is likely to come back to haunt the continent’s integration process” (Mangeni, Juma, 2018, p. 104).

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### Conclusions

To realize the aspirations of the Constitutive Act (2000), such as clause 3 (c) to “accelerate the political integration of Africa”; clause 4(h) “the right of the Union to intervene in a member state ... in respect of war crimes, genocide, and crimes against humanity”; and the African Charter on Democracy, Elections, and Governance (2007), would require a post-Westphalian epoch of supra-national, continental sovereignty. Alongside national sovereignty it would need a new concept of continental sovereignty, to operationalize the ambitious aims of an *acquis communautaire*, a veritable sandwich of sub-regional and continental treaties, protocols, and praxis. In 1960 Kwame Nkrumah had the Ghanaian constitution revised to include a new clause:

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“In the confident expectation of an early surrender of sovereignty to a Union of African states & territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana.” (Part I, Article 2).

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That never happened: in 1966 an army *coup* overthrew Nkrumah; and later the clause was removed from the constitution. After that, Pan-Africanists did not again dare to repeat the phrase “surrender of sovereignty”. Nkosazana Dlamini-Zuma, when chair of the AU Commission, used the more diplomatic terms “the pooling of sovereignty” and the “collective exercise of sovereignty” (Business Day, 2013). The closest that any states have come to that is the submission of Nigeria, Niger, and Kenya to respectively judgments of the ECOWAS Community Court of Justice, and the East African Court of Justice. To submit to a court ruling from beyond your border does amount to the start of a polycentric sovereignty.

This article argued that the continental and sub-regional institutions and praxis of African integration compare reasonably well with, for example, attempts at integration in South and Central America, the Caribbean, and South-East Asia. They are surpassed only by the European Union, which has two orders of magnitude more international civil servants, and three orders of magnitude more budget than the AU and its sub-regional affiliates. But because some of the AU’s treaties and *acquis* would necessitate major supra-national powers to be enforced, while the AU remains an inter-governmental organisation, it is often judged more stringently than its peers.

Each major continental treaty or protocol typically takes a decade to be implemented; in some cases, two decades. Just to take one example, the 2018 treaty for a Single African Air Transport Market is basically the unimplemented reiteration of the unimplemented 1999 Yamoussoukro Declaration that all African countries should offer open skies to each other’s airlines. But over the six decades of the history of the OAU-AU, the cumulative treaties and institution-building add up to substantial achievements and will be markedly more substantial by the completion of the AU’s 2063 Agenda. In the *longue durée* of international relations, Pan-Africanism and African integration have irrevocably founded and asserted their presence.

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