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AN AFRICAN AGENDA FOR PEACE, GOVERNANCE AND DEVELOPMENT AT THIRTY

A Retrospective look at the Genesis and significance of the OAU'S July 1990 Declaration on Fundamental Changes

SAID DJINNIT AND EL-GHASSIM WANE

OVERVIEW

The 1990 Report and Declaration of the Organization of African Unity (OAU) on the Fundamental Changes in the World and their Implications for Africa were a seminal initiative in which Africa took critical first steps to assume control of its post-Cold War destiny. These policy initiatives provided encouragement and continental legitimacy to the democratization processes initiated in the early 1990s and set the stage for the revamping of the conflict management tools of the OAU, while also revitalizing the long-held dream of Africa's integration. However, the Declaration seems largely forgotten today. This paper argues that it was a victim of its own success: it was the starting point for a series of important policy and normative innovations over the next decade, culminating in the transformation of the OAU into the African Union (AU) and other subsequent advances.

This paper is primarily a piece of diplomatic history that retrieves the OAU's initiative from its obscurity. It provides detailed narrative about this turning point in Africa's history, explaining the motivation for the newly-appointed Secretary-General of the OAU, Dr. Salim Ahmed Salim, as he sought, with the support of his collaborators, to marshal a coordinated African response to the momentous events taking place at that time, and to ensure that the norms and principles of the OAU would be revived and refashioned for the decade ahead. The paper also details how the OAU Secretariat managed the process of moving from the February 1990 session of the Council of Ministers to the discussions of the OAU policy organs in July that year, leading to the adoption of the final text of the Declaration.



Many details are based on the direct involvement of one of the authors¹ in the process, the accounts of which are published here for the first time.

The final section of the paper focuses on lessons and conclusions that could be drawn from the adoption of the Declaration, thirty years on. It came at a time when Africa's position in the world was becoming more marginalized, and the OAU itself was at risk of sliding towards irrelevance. In fact, in the report, the OAU Secretary-General articulated a forward-looking, democratic agenda for "African solutions to African problems." While the history of Africa's continental organization is normally divided into the period of the OAU (1963-2002) followed by that of the AU (2002-present), this paper suggests that 1990 should also be seen as a turning point in the journey of the O(AU) and Pan-Africanism.

I. INTRODUCTION

July 2020 marks the 30th anniversary of the Declaration on the Political and Socioeconomic Situation in Africa and the Fundamental Changes Taking Place in the World, which was adopted by the 26th ordinary session of the Assembly of Heads of State and Government of the OAU, held in Addis Ababa, Ethiopia, from 9 to 11 July 1990.² It is an anniversary that is likely to pass unnoticed in most of the decision-making circles on the continent, not to speak of the press and the ordinary citizenry.³

There are a number of references to the Declaration in academic work and the role it played in triggering and shaping further normative and policy advances on the continent.⁴ However, in the realm of policy-makers, and beyond references in preambles of key documents, few trace back in an elaborate manner some of the most important advances made by the OAU and, in more recent times, by its successor, the AU, to the bold commitments contained therein. There is some unfairness in this state of affairs, as this is the very document that provided the much-needed encouragement and continental legitimacy to the democratization processes initiated in the early 1990s and set the stage for the revamping of the OAU's conflict management tools, while also revitalizing the long-held dream of Africa's integration. It seems that the Declaration was a victim

of its own success: as it gave rise to further policy and normative innovations, the former was, somehow, bound to fall into oblivion, with attention shifting to the latter.

This article first provides details about the genesis of the Declaration and how it came into being: a combination of global systemic and domestic changes, making it imperative for the OAU and its member states to articulate a response, the vision of the new Secretary-General, Salim Ahmed Salim, and the technical skills and expertise of the Secretariat, which initiated the process leading to the Declaration. It then proceeds to outline the steps taken by the Secretariat following the February 1990 ordinary session of the Council of

1 Saïd Djinnit, then chef de Cabinet of Salim Ahmed Salim.

2 AHG/Decl.1(XXVI).

3 There are a number of AU Days that are celebrated every year to mark particular events or highlight specific issues, mostly through the issuance of a statement and/or the organization of dedicated meetings and other activities. Among others, mention should be made of the Africa Environment and Wangari Maathai Day, on 3 March; the African Union Day of Commemoration of the 1994 Genocide Against the Tutsi in Rwanda, on 7 April; Africa Day on 25 May; Africa Border Day, on 7 June; the African Refugee Day/World Refugee Day, on 20 June; the African Union Day, on 9 September; the Africa Human Rights Day, on 21 October; the Africa Food Security and Nutrition Day, on 30 October; the Africa Statistics Day, on 18 November; and the Africa Telecommunications and ICT Day, on 7 December. See "A Guide for those working with and within the African Union - African Union Handbook 2019", African Union Commission and New Zealand Ministry of Foreign Affairs and Trade/Manatū Aorere, Appendix IV: Calendar of African Union Days, Years and Decades, 229-230.

4 Among other authors pointing out the landmark nature of the Declaration, it is worth mentioning: Micha Wiebusch, Chika Charles Aniekwé, Lutz Oette and Stef Vandeginste: The African Charter on Democracy, Elections and Governance - Past, Present and Future, *Journal of African Law, Special Supplementary Issue - The African Charter on Democracy, Elections and Governance* at 10, 2019, 9-38. The authors noted that the Declaration "paved the way for the OAU's democratization agenda" and "provided the impetus to strengthen the continent's peace agenda", 17-18. Also see: Klaas van Walraven: Heritage and Transformation - From the Organization of African Unity to the African Union, in Ulf Engel and João Gomes Porto (Eds), *Africa's New Peace and Security Architecture - Promoting Norms, Institutionalizing Solutions*, Ashgate, 2010, page 49; and from the same author: *Dreams of Power - The Role of the Organization of African Unity in the Politics of Africa 1963-1993*, Routledge, 2018. He stressed that, by announcing the OAU's commitment to work towards the settlement of « all conflicts on the continent », the Declaration « implied the arrogation of domestic conflicts to the Organization's area of competence and the restriction of the norm of non-interference in internal affairs », page 298.

Ministers and to analyze the report submitted by the Secretary-General of the Organization to the sessions of the policy organs that took place in Addis Ababa in July 1990. The two following sections cover respectively the discussions of the policy organs, their outcome and immediate impact, and how the Declaration influenced subsequent policy and normative developments within the OAU and the AU. The paper concludes with a focus on lessons and conclusions that could be drawn from the adoption of the Declaration and a reflection on its significance three decades on.

II. THE CONTEXT: At the confluence of local and global dynamics

To properly situate the Declaration and appreciate its importance, it is necessary to take a quick look at the situation that was prevailing in the 1980s and early 1990s in Africa and the world at large. The period under consideration was dubbed by many commentators as “Africa’s lost decade”, with the continent experiencing a deep economic crisis generated by a combination of both endogenous (inadequacy and/or misdirection of human and financial resources, inappropriate economic strategies and policies, poor economic management, persistence of social values, attitudes and practices that are not always conducive to development, and

political instability) and exogenous factors (international recession, collapse of commodity prices, adverse terms of trade, decline in official development assistance, increased protectionism, high interest rates, currency fluctuations, and the heavy burden of debt and debt-servicing obligations of African countries).⁵ The situation was made worse by externally-imposed structural adjustment programmes, as a consequence of which living standards and government and social services severely dwindled, sowing discontent and social unrest.⁶

Against this backdrop, demands for political reforms and better governance intensified, encouraged by the dynamics unleashed by the fall of the Berlin Wall in November 1989, the end of the Cold War, and in particular the changes then taking place in Central and Eastern Europe.⁷ In a number of countries in francophone Africa, the mobilization of different groups (trade unions, civil society, religious leaders, etc.) hastened the pace of change, forcing the convening of national conferences that, in some instances, led to radical changes (Benin, for instance), while elsewhere incumbents managed to retain power and its key levers (this was the case in Gabon, Togo and then Zaïre). In other countries, the regimes in place, responding to the new situation, steered the democratic reforms, paving the way for transitions (Ghana and Mozambique, among others).⁸

5 See Africa’s Submission to the Special Session of the United Nations General Assembly on Africa’s Economic and Social Crisis, adopted by the 15th Extraordinary Session of the OAU Council of Ministers held in Addis Ababa, Ethiopia, from 30 to 31 March 1987, Document OAU/ECM/2XV/Rev.3, 9-11. The Submission was a follow-up to Africa’s Priority Programme for Economic Recovery 1986-1990 (APPER), adopted by 21st ordinary session of the OAU Assembly of Heads of State and Government, held in Addis Ababa, from 18 to 20 July 1985. APPER was endorsed by the UN General Assembly with minor adjustments as “The United Nations Programme of Action for African Economic Recovery and Development 1986-1990” (Resolution A/RES/S-13/2 adopted in June 1986).

6 Close to 40 African countries embarked in SAPs in the 1980s. These policies called for the privatization of government entities, the devaluation of local currencies, the reduction of tariffs for imported goods, the elimination of budget deficits, the increase in the price of food products, and the reduction in government workforce.

7 In actual fact, some of the changes that unfolded in Africa “occurred under the still prevailing global order of the Cold War”, See Ulf Engel: Africa’s 1989, in Ulf Engel, Frank Hadler and Mathias Middell (Eds.): 1989 in a Global Perspective, Leipziger Universitätsverlag, 2015, 331-348. In view of this fact and other related developments, Engel stated that “Africa’s experience provides a strong basis for decentering and re-contextualizing dominant narratives of democratic change in the 1990’s that assume that the spread of liberal democracy and market-based economies has had a geographic center, usually Eastern Europe”. Such narrative “at their very heart reflect forms of conceptual Euro-centrism”, Ibid.

8 The demands for democracy in the late 1980s and early 1990s should be analyzed in relation to earlier experiences. See Crawford Young: The Postcolonial State in Africa - Fifty Years of Independence, 1960-2010, The University of Wisconsin Press, 2012, chapter 6, sub-chapter on “Survival of Democratic Norms”. He wrote: “Democratic norms, despite the failure of nearly all decolonization constitutional settlements, never completely disappeared from Africa. Sudan experienced meaningful though short-lived restorations of democratic rule from 1965 to 1969 and then again from 1985 to 1989. Senegal accepted limited multiparty politics in 1976 and then a fully open field in 1981. Military rulers in Ghana acceded to popular pressures for democratic restoration and held genuinely competitive, close-fought, and well-conducted elections in 1969 and 1979, but in each case army intervention subsequently overturned the civilian regime. The Burkina Faso military permitted democratic elections in 1970 and then again in 1978, but soon restored army rule. Nigeria stands out in the tena-

The end of the Cold War had also the effect of facilitating the resolution of some long-standing conflicts on the continent or, at a minimum, making their pursuit problematic, as warring parties lost their patrons and the political, financial and military support they provided, in the context of the East-West rivalry. However, as inter-state conflicts receded, a number of devastating intra-states conflicts, best defined as internationalized civil wars,⁹ broke out in different parts of the continent, including in Liberia (from 1989 to 1997 for the First Liberian Civil War) and Sierra Leone (from 1991 to 2002), or intensified, as in Somalia, in the aftermath of the downfall of the regime of Mohammed Siad Barre, in 1991.¹⁰ These came in addition to other long-running conflicts such as the civil war in Sudan, which started in 1955, with the separatist Anyanya movement, stopped in 1972 with the Addis Ababa agreement, before resuming in 1983; and the armed liberation struggle launched in Eritrea in 1961 against the imperial government in Ethiopia.

In parallel to these developments, the late 1980s also witnessed major advances towards the end of racial domination in Southern Africa, thanks to both domestic and external pressure. In November 1989, elections

for the constituent assembly took place in Namibia, culminating with the independence of the country in March 1990. A month earlier, in February 1990, in South Africa, the African National Congress (ANC) and other anti-apartheid organizations were unbanned, the state of emergency was lifted, and Nelson Mandela was freed after 27 years of imprisonment - key leaders of the ANC had already been released in October 1989. This paved the way for the negotiations that were to eventually lead to the dismantlement of the apartheid system, the general multiracial elections of 1994 and the advent of majority rule.¹¹

In Addis Ababa, Salim Ahmed Salim was a few months into his first term as OAU Secretary-General (he assumed office in September 1989), and Ethiopia in the midst of a war involving both the Eritrean People's Liberation Front (EPLF), in its drive to free Eritrea, and the Ethiopian People's Revolutionary Democratic Front (EPRDF), which wanted to create a new political order in the country. The Mengistu regime will be overthrown in May 1991, paving the way for the EPRDF nearly three decade-long rule and for Eritrea's formal independence, following the April 1993 referendum.

cious hold of democratic values on the public mind, even though the military held power thirty-two of the thirty-six years between the initial coup in 1965 and a transition back to civilian rule in 1999". There were also earlier experiences. See Jean-François Bayart *La problématique de la démocratie en Afrique noire* "La Baule, et puis après?", *Politique africaine* No 43, Octobre 1991, 5-20.

9 Noel Twagiramungu, Allard Duursma, Mulugeta Gebrehiwot Berhe and Alex de Waal: Re-describing transnational conflict in Africa, *The Journal of Modern African Studies*, Volume 57, Issue 3, September 2019, 377-391.

10 On how the end of the Cold War shaped the trajectory of peace and security and other related political developments in Africa, see Pierre Englebert & Kevin C. Dunn: *Inside African Politics*, Lynne Rienner Publishers, 2013, 279-287. Also of interest are the articles of Shin'ichi Takeuchi: Political liberalization or armed conflict? Political changes in post-cold war Africa, *The Developing Economies*, XLV-2 (June 2007), 172-193; Jane Perlez: After the Cold War - Views from Africa - Stranded by Superpowers, *Africa Seeks an Identity*, *The New York Times*, May 17, 1992; and John J. Stremlau: How the fall of the Berlin Wall 30 years ago resonated across Africa, *The Conversation*, 8 November 2019.

11 While these developments were influenced by the end of the Cold War, events prior to the fall of the Berlin Wall also played a role. Following Mikhail Gorbachev's assumption to power, in 1985, tensions between the Soviet Union and the United States significantly reduced, as illustrated by the Gorbachev-Reagan Summits starting from 1986 in Reykjavik. Combined with the decisive 1987-1988 Cuban intervention in Angola in support of government troops battling UNITA, then backed by apartheid South Africa, that geopolitical shift created conditions that made it possible to conclude the New York Tripartite Agreement of December 1988, clearing the way for Namibia's independence. This new spirit of cooperation between the Superpowers is reported to have fed into the secret negotiations between the South African regime and leading members of the ANC in 1988. At the same time, the impact of the end of the Cold War should not be overestimated. Indeed, "It is now generally agreed among historians that the growing internal resistance, which made the threat that the country would become ungovernable a real one, was more important than any other single factor.", see Chris Saunders: *The ending of the Cold War and Southern Africa*, in Artemy M. Kalinovsky and Sergey Radchenko (Eds): *The End of the Cold War and the Third World - New perspectives on regional conflict*, Routledge, 2011, 264-276. In the same line, Dr. Pallo Jordan, an ANC leading member, wrote in early 1990: "If today it appears that a negotiated settlement is likely, this owes more to the struggle waged by the South African people than to the strategies devised by policy-makers in either Moscow or Washington", quoted by Vladimir Shubin: *Were the Soviets "selling out"?*, *Ibid*, page 257. The same author adds: "There is a tendency to explain the cessation of Pretoria's intervention in Angola, achievement of Namibia's independence and the end of the institutionalized apartheid primarily with reference to the end of global confrontation. However, to do this means to neglect regional and local dynamics ... Most probably, Pretoria's former political, military and security establishment, unable to admit their defeat, found consolation in trying to explain their retreat by global changes.", *Ibid*, page 260.

As the February 1990 ordinary session of the Council of Ministers, usually devoted to budgetary and financial matters, got closer, fears were mounting that Addis Ababa may not be a safe venue for the planned gathering, in view of the rapid advances of the EPRDF and EPLF forces. Indeed, Salim's office received a call from the OAU observer mission to the United Nations (UN) in New York conveying the information circulating in the African diplomatic corps according to which ministers will not attend the February session because of security problems. The information was met with some surprise as the OAU Secretariat was not aware of any particular security threat in Addis Ababa at that time and therefore never contemplated changing the venue. It nonetheless rang an alarm, and made it clear that more efforts than usual would be needed to ensure a large participation, especially as this was Salim's first Council of Ministers since assuming duties and he intended to use the opportunity to lay out his agenda.

Early in Salim's tenure, there were talks about how the OAU should reinvent itself to rise to the challenges confronting the continent in a rapidly-evolving international environment. This was all the more pressing as Africa's liberation was nearing its completion, begging the question of what should be the OAU's new mission once that objective was achieved. Drawing from his rich political and diplomatic experience, including at the UN, where he had served as Tanzania's permanent representative and held numerous positions in the inter-governmental structures of the world body¹², the new Secretary-General had an ambitious agenda: profoundly reform the Organization and commit its members to the bold steps needed for the continent to decisively deal with the myriad problems besetting it. Such a determination was only to be expected. Salim, who had attended, twenty-six years earlier, the July 1964 OAU summit in Cairo, where he was serving as his country's ambassador, was renowned for his strong commitment to the continent's liberation and for his disappointment at Africa's turn towards authoritarian politics and frat-

ricidal war.

Worried that security concerns may impact the participation level and keep away many ministers from the February session, Salim's office quickly concluded that the only way to head off such a risk was to make the agenda more substantive and to link it to the developments that were unfolding in the world and their impact on the continent. This accelerated the pace of the reflection that was already underway in the Secretariat, and a cable was sent to all ministers proposing that, in addition to their regular agenda, they also discuss the fast-evolving changes in the world and their implications for the continent, and stressing the importance of their personal participation in, and contribution to, this crucial debate.

The gambit succeeded: the proposal was accepted and the attendance of the ministerial session turned out to be much better than feared. In his opening statement to the meeting, Salim clearly laid out the stakes. Having stressed that "the world is going through a phase of fundamental changes", he added:

"We will have no choice but to undertake a comprehensive and global evaluation of the political and socioeconomic situation of our continent before Africa's answer to these new challenges is formulated. Such an answer, which is urgently required, should be consistent continent-wide, forward-looking in its formulation, realistic and progressive in its implementation, and should incorporate national and regional efforts. It should be equal to the challenges facing our continent and measure up to the hopes of the African peoples who expect the OAU to map out a comprehensive strategy for Africa".¹³

The Ministers present at the session and other member states' representatives had what Salim termed as

12 Salim engaged very early in politics in his native Zanzibar. In 1964, at age 22, he became Tanzania's Ambassador to Egypt and then to India. He also briefly served as Ambassador in China. He was appointed Permanent Representative to the UN in 1970. There, he successfully chaired the UN Special Committee of 24, the UN Security Council Committee on Sanctions against Rhodesia and presided over the Security Council, before being elected as President of the General Assembly. Back in Tanzania, he held a number of government portfolios, including Minister of Foreign Affairs, Prime Minister and Minister of Defense. See Ulf Engel, 'Salim, Salim Ahmed' in Bob Reinalda, Kent J. Kille and Jaci Eisenberg (Eds): IO BIO, Biographical Dictionary of Secretaries-General of International Organizations, www.ru.nl/fm/iobio.

13 Extracts of Salim Ahmed Salim speech to the 51st Ordinary Session of the Council of Ministers held in Addis Ababa in February 1990, copy on file with the authors.

“meaningful discussions”.¹⁴ They requested the Secretariat to prepare a study on the matter, for consideration at their next session due to take place in July 1990.

III. BUILDING THE MOMENTUM TOWARDS THE ADOPTION OF THE 1990 DECLARATION ON FUNDAMENTAL CHANGES

As a follow-up to the directives of the Council of Ministers in February, the Secretary-General put in place an inter-departmental task force to prepare a document from which he would draw elements for his report to the policy organs in July 1990. In parallel, he undertook visits to some African countries, to further explain the agenda he had in mind, which encompassed not only political and governance aspects but also the socioeconomic renewal of the continent, and win them over. In this respect, he traveled to Cameroon, Togo, Nigeria and Madagascar, whose Heads of State shared with him “their reflections on the challenges before our continent, especially in the context of the changes currently taking place in the world”.¹⁵

In the early part of June 1990, he undertook an extended tour of Europe, where the momentous developments changing the face of the globe were happening. He successively visited Paris, London, Brussels - the seat of the European Economic Community (EEC), now the European Union (EU) - and Geneva - where a number

of UN agencies are headquartered, with the following three-fold objective: learn first-hand their views and impressions of Africa in the then prevailing international situation; put into proper context the situation in Africa and correct misperceptions and erroneous notions about the continent;¹⁶ and express concerns as they relate in particular to the need to maintain African issues on the international agenda. In his interactions with various interlocutors, he made the point that while democratization is a necessity, such a process should also take into account the specific realities of the African countries.¹⁷ Another point of concern raised by Salim related to the possible implications for Africa of the envisaged European Single Market, most notably “the probable diversion of aid and concessionary resource flows from Africa as well as the likely diminished trading opportunities”, for which, he said, assurances were given “that commitments made ... to Africa will be fulfilled”.¹⁸

In an interview with the media while in Brussels, Salim further elaborated on that latter point, referring to his discussions with the Belgian authorities and the EEC officials:

“... We naturally discussed the changes in Europe and their impact on Africa, and what are the concerns of Africa in general. ... Both the Belgian authorities and the EEC officials made it very clear to me that, with respect to a possible diversion of official assistance from Europe, or from the Community, to Eastern Europe, this is not in the pipeline. The assistance which has been earmarked for Africa will continue, but both also understood our own

14 Extracts of Salim Ahmed Salim’s Speech to the 52nd Ordinary Session of the Council of Ministers held in Addis Ababa from 3 to 8 July 1990, copy on file with the authors.

15 Ibid.

16 Ibid. With respect to his meetings with the media, Salim indicated that he was “appalled by the negative picture being painted about Africa”, noting “with concern that the image being projected of Africa is that of a continent where all is politically going wrong and where economic recovery is a distant possibility”. In Brussels, in response to a question from a journalist, Salim underlined the continent’s commitment to democracy, adding however that the processes aimed at furthering this objective should be implemented taking into account each country’s context and socio-cultural reality. The following day, he got a call from then Togo’s President, Gnassingbe Eyadema, who was pleased with the emphasis on local realities.

17 Summing up his discussions in Europe, Salim said: “While I fully agreed with the need to democratize our societies further, provide for genuine popular participation in governance so as to liberate peoples’ energies and creativity, and apply them positively to development, I stressed the importance of understanding that, while principles of democracy are universal, their application must, of necessity, take into account the historical, cultural and environmental circumstances of each society. I also pointed to the fallacy of arguing that the mere process of democratization of our societies is the magical panacea to our present economic problems. Above all, I strongly argued that democracy and development must go together, and that Africa’s democratization processes will continue to be severely hamstrung unless there is also a corresponding democratization of the international system”, Ibid.

18 Ibid.

concern that really it's not just a question of official development assistance; it is a question of attitudes and the whole perception that people have of Africa. I was told, for example, of something called - it's the first time I heard it here - "Afro-pessimism", whatever that means. So, my point has been really that we understand, as Africans, that in the final analysis things will be better or worse off depending on how we Africans do - our own action. But we also understand - and it's a point which has to be made - that Africa is not an island. It is affected by developments in the world, by decisions made by the world, and to that extent, there are some decisions which are made which affect Africa and over which Africans have no control."¹⁹

The report on the "Fundamental Changes Taking Place in the World and their Implications for Africa - Proposals for an African Response"²⁰ drew both from the work of the task force mentioned above and the consultations undertaken by the Secretary-General within and outside the continent. It was organized in three parts: the state of Africa, current international developments and implications for Africa, and elements for Africa's response in the 1990s and beyond.

The first part took stock of the overall situation on the continent, starting with Africa's liberation struggle. While highlighting the achievements made, including the independence of Namibia, which was only four months old, it also underlined that this was an unfinished process, as illustrated by the continued prevalence of apartheid in South Africa, though by then that

odious system had already been shaken at its core as a result of domestic and international pressure.²¹

The report also noted that Africa was "bedeviled by various conflicts that threaten not only human rights and social order, but also prospects for the survival, economic development and even the sovereignty of some States".²² In this respect, it attributed OAU's "relative lack of success in conflict resolution ... (to) the fact that the settlement of conflicts requires perseverance and continuity which the conflict resolution organs of the OAU, operating on an ad hoc basis, have not been able to provide".²³ With regard to internal conflicts, the report recognized that "the OAU has not, until now, been involved in the search for solutions to such conflicts", adding that "this lack of a legal mechanism for direct involvement does not however mean that the organization has ... remained or is indifferent to the adverse effects of these conflicts".²⁴ The report also made mention of the consequences arising from conflicts in terms of forced displacement, with the rising tide of refugees and displaced persons on the continent, human rights violations and shortcomings in democracy. On this last point, it stated that, if at times, criticism directed at Africa was objective, "in others, it was clearly imbued with cultural paternalism".²⁵

The report also dwelt on the socioeconomic situation, noting, among others, the poor state of African economies, characterized by the export of few agricultural and mineral raw materials and heavy dependence on the outside world for the provision of manufactured products; its staggering external debt, which jumped from less than 50 billion US dollars in 1978 to about 250 billion by the end of the 1980s, with debt service

19 Interview given by Salim, *The Courier* N° 123 Sept - October 1990, 2-5.

20 Document CM/1592 (LII), 38 pages.

21 In the above mentioned interview with *The Courier*, Salim was asked about OAU's views on the development then taking place in South Africa. He responded as follows: "There are changes in South Africa which have to be encouraged ... But these changes are not sufficient. They have not yet touched the fundamentals of the problem. The fundamental South African situation is to end a system which is anachronistic, and which has been characterized by the world community as a crime against humanity ... It is very important to maintain the pressure on the South African regime ... And these pressures include, first and foremost, the economic sanctions.", op. cit.

22 Report on Fundamental Changes, op. cit., paragraph 13.

23 Ibid., paragraph 17. On the shortcomings of the ad hoc mechanisms and efforts at reform, see Klaas van Walraven, *Dreams of Power*, op. cit., 295-297. Also of interest is P. Mweti Munya: *The Organization of African Unity in Regional Conflict Resolution and Dispute Settlement - A Critical Evaluation*, *Boston College Third World Law Journal*, Volume 19, Issue 2, 1999, 537-592.

24 Report on Fundamental Changes, op. cit., paragraph 17. Indeed, while the non-interference norm constrained the OAU's role in the management of internal conflicts, the Organization did however, in some instances, deal with domestic conflicts, as shown by the efforts undertaken with respect with the Congo crisis in the mid-1960s and the Nigeria civil war, with the attempted secession of Biafra. See Klaas van Walraven, *Dreams of Power*, op. cit., 303-309.

25 Report on Fundamental Changes, op. cit., paragraph 20.

obligations having increased almost threefold; and the serious environmental problems facing the continent. It pointed out the limited impact of the efforts made towards development and economic integration, in the wake of the 1980 Lagos Action Plan for the Economic Development of Africa (1980-2000) and the Final Act of Lagos, which encouraged the establishment of regional economic groupings, as well as the absence of sound and realistic socioeconomic policies and poor economic management.²⁶

The second part of the report examined the international developments and their implications for Africa. Four aspects were underscored:

- First, the rapprochement between the Soviet Union and the USA, which created a completely new environment, and the need for Africa to adapt to this situation. In the immediate, and notwithstanding the potential benefits of the rapprochement, there was a fear that a thaw in the relations between countries of the former Eastern European bloc and apartheid South Africa would weaken the latter's isolation and slow down the demise of the regime;²⁷
- Second, the rapid political changes in Central and Eastern Europe, seen as "a result of popular uprisings against the established systems, as well as a function of the outlook of the new leadership of the Soviet Union". The report underscored that the West's response to these changes - infusion of substantial financial resources, injection of new investments and proposals for joint ventures - "contrast(ed) sharply with the snail's pace and meager scale

of (its) response to Africa's long-standing needs for financial resources". It drew attention to the risk that Western countries could divert their "relatively small amounts of development assistance" from Africa to Central and Eastern Europe and make any further support to the continent conditional on the existence of democracy "as defined by them";

- Third, the global trends towards the establishment of trading and economic blocs, with particular emphasis on the 1986 Single European Act - the first major revision of the Rome Treaty that established the EEC - and how the objective of putting in place a single market by January 1993 would impact the Cotonou agreements and other aspects of the relationship with Africa, including trade, investment and labor; and
- Fourth, the rapid changes in scientific and technological developments in the world, with the report looking both at the opportunities they offer (increase in agricultural production, for instance) and the new challenges they create (added competition on the global market for African agricultural exports arising from the manufacturing of artificial products such as cocoa and sisal seeds through genetic engineering).²⁸

The last part of the report dealt with Africa's response to the identified challenges and opportunities both for the 1990s and beyond. It was arguably the most important one, going forward, as it was expected to inform member states decision on what ought to be done.

26 Ibid, paragraphs 22-29. The LPA and the FAL were adopted by the 2nd Extraordinary Summit of the OAU held in Abuja, Nigeria, from 28 to 29 April 1980. For an assessment of the impact of the LPA on trade, see Economic Commission for Africa: Appraisal and Review of the Impact of the Lagos Plan of Action on the Development and Expansion of Intra-African Trade, E/ECA/TRADE/91/5, 8 March 1991, 21 pages - Document submitted to the 11th meeting of the Conference of African Ministers of Trade, Addis Ababa, Ethiopia, 15-19 April 1991.

27 The fears expressed by the Secretary-General were not ungrounded, especially given the concerns that the Soviet Union itself, after Gorbachev came to power, may reduce their support to the struggle against apartheid, as part of their efforts to win economic support from, and seek better relations with, the West. It appears that, throughout the period leading to the end of the Cold War, the Soviet Union "was firmly in favor of preserving the international isolation of the racist regime through the broadening of economic and other sanctions", ensured close consultations with the ANC, and continued to provide support. However, from late 1989, the Soviet Union policy became less clear, as it sent conflicting signals: continuing, on the one hand, to assure the ANC of its continued support, while warming up to the apartheid regime, including inviting some of its officials to Moscow. The 'double game' of the Soviet Union became more apparent towards the end of 1991, with the political developments then taking place in the country. This culminated with the visit of Pik Botha, as Foreign Minister, to Moscow in November 1991 and the formal restoration of consular relations. This change of policy accelerated during Boris Yeltsin time in office, marked by the establishment of diplomatic relations in February 1992 and the welcome of Frederick de Klerk to the Kremlin in May 1992. See Vladimir Shubin: Were the Soviets "selling out"?, op. cit., 245-276.

28 Report on Fundamental Changes, op. cit., paragraphs 33-57.

Regarding the political agenda, the focus was three-fold. The first point related to the resolution of conflicts, with the affirmation that “the necessity to speedily bring to a halt all the fratricidal conflicts, to establish peace and to harness available resources to build an enabling environment for development remains an inescapable duty of African governments”.

The report then proceeded to emphasize that “the problem of conflict resolution within the framework of the OAU deserves a lot more consideration than ever before. To this end, member states should recommit themselves to the peaceful resolution of all conflicts, internal or interstate, within the spirit of African solidarity and brotherhood, and enable the Organization to play a more active role in conflict prevention, management and resolution”. It noted that “while the principle of non-interference in the internal affairs of member states should continue to be observed, it should however not be construed to mean or used to justify indifference on the part of the OAU”, pleading for “African solutions to African problems (to) be given a new momentum in African politics and international relations”. In that spirit, the proposed to make use of the permanent institutions established within the OAU for purposes of settlement of disputes, through the reactivation of the Commission for Mediation, Conciliation and Arbitration (CMCA), as well as a more frequent recourse to the good offices of the Secretary-General.²⁹ The proposal to reactivate the CMCA may seem inconsistent with the call for member states to allow the OAU to play a more active role in the resolution of all conflicts on the continent, including internal ones, as the Commission’s mandate was limited to interstate conflicts. In actual fact, the key concern of the Secretary-General was the need for institutionalized conflict resolution mechanisms within the Organization.

Addressing the consequences of conflicts, the report stated that it was “imperative to summon the necessary political will in order to address squarely and more meaningfully the root causes of the problem of refugees as it relates to the question of conflicts and human rights violations in Africa”. It proposed “strengthening the institutional machinery for monitoring situations of conflicts that may lead to the influx of refugees on the continent”.³⁰ It also emphasized the sacrosanct nature of the principles enshrined in the 1981 African Charter on Human and People’s Rights, the need for the democratization of governance processes, as well as the imperative of observing the rule of law, all of which “would guarantee high standards of probity and accountability on the part of those who hold public office and take decisions on behalf of the people”.³¹

The socioeconomic agenda called for national reforms in areas as diverse as food and agriculture, industry, transport and communication, science and technology, and human resource development and utilization. It also emphasized the issue of economic integration, urging for expedited efforts in this respect in the context of the Lagos Plan of Action. It called for the full participation of women and youth in development endeavors and for the enhancement of their role in African societies.³²

The proposed African response also included a component of what ought to be done on the global arena under the heading “International Solidarity”. The report made the point that, while “the African response for the 1990s and beyond must, by and large, be inward-looking, in that its major preoccupation would be to build Africa’s inner strength”, the continent “must continue to court and nurture international solidarity”. Three lines of action were identified: South-South cooperation, North-South cooperation, and the UN and other

29 Ibid., paragraph 61. It should be noted that the CMCA was established by Article XIX of the OAU Charter. The Protocol on its composition and conditions of service was adopted in Cairo, in July 1964, at the 1st Ordinary Session of the Assembly of Heads of State and Government and formed an integral part of the Charter. For a variety of reasons, the Commission was never operationalized, and preference was given to the establishment of ad hoc Committees of Heads of State and Government or Ministers. For more on this, see Mohammed Bedjaoui: *Le règlement pacifique des différends africains*, *Annuaire Français du Droit International*, 1972/18, 85-99; and Klaas van Walraven: *Dreams of Power*, op. cit., 274-275.

30 Report on Fundamental Changes, op. cit., paragraphs 62-63. The report underlined the following: “In Southern Africa, the apartheid regime in Pretoria has been mainly responsible, through its policy of direct armed aggression or destabilization by proxy wars, for the colossal problem of refugees and displaced persons. But the problem of refugees and displaced persons in Africa cannot be blamed solely on South Africa. The time has come for African leaders to face up to the existence of this problem in larger proportion in the rest of the continent and proceed to get at its root causes”, Ibid paragraph 64.

31 Ibid, paragraphs 65-67.

32 Ibid, paragraphs 69-79.

intergovernmental institutions. In this respect, the report recognized that “the United Nations system remains ... the most important international forum through which Africa can advocate and promote its interests at the international level”. Accordingly, “Africa must increase its support for the ideals of the United Nations, particularly with respect to issues of concern to the Third World and Africa”. It concluded that “the focus of Africa’s multilateral diplomacy and international negotiations must remain within the UN system”.³³

In Salim’s view, the ability of the OAU to address the challenges at hand depended not only on the commitment of its member states, but also on the level of effectiveness of the continental institution. Accordingly, he underlined the need to reform the OAU to strengthen its capacity to discharge its mandate. A number of steps were outlined in this respect, including the implementation of resolutions and decisions adopted by the Organization’s policy organs; the review of the structures of the Secretariat and the rationalization of its work; the review and rationalization of the specialized agencies; and the enhancement of the resource base, credibility and capacity of the Organization to perform, by member states meeting their financial obligations.³⁴

The report was blunt in its conclusion, noting that “Africa’s present condition and future prospects are poignantly pathetic when juxtaposed with the stunning advances being made by the already advanced regions of the world”. It brought home this inescapable fact: “The most powerful and wealthiest in the world ... are successfully laying the foundations of collective activity, increased strength and greater prosperity. Africa, the weakest and poorest region of the world, doesn’t appear to be making equally discernible and substantial progress in that direction”. In view of the widening gap between Africa and the rest of the world, the continent “must take stock of its past and present policies, and chart a new path towards a destiny predicated upon col-

lective wisdom and collective strength.”³⁵

Overall, the report reflected Salim’s concern that, as Africa came close to completing its liberation journey - one of the foremost objectives of the OAU when it was established - its member states were falling into some kind of complacency, with the “erroneous feeling” that the tasks ahead required less commitment and the OAU was becoming less relevant. The amount of arrears to the Organization’s regular budget and “erratic or sometimes lack of participation in (its) meetings” were indicative of the declining enthusiasm of the member states.³⁶ Yet, the parameters upon which the idea of forming a continental organization was based upon remained as valid as they were back in 1963: “The recognition that individually and separately African States could make no impact on the international scene and that the well-being and overall development of Africans could better be served by pooling their resources and energies together”.³⁷

The report was as clear as it could be on the assessment of the global situation and the challenges facing Africa; and as detailed as required on the steps that should be taken.³⁸ On the more specific issue of political reforms, the report, astutely, linked the struggle for liberation from colonial power and racial discrimination to the fight for democracy and human rights, the latter being the natural extension of the former. The report stressed that “the African peoples, who, for long periods of history, were denied basic freedom and justice, should be in the forefront of those ensuring that basic human and people’s rights are defended, protected and promoted”.³⁹

IV. THE DECLARATION ON FUNDAMENTAL CHANGES: A catalyst for reform

The report and the accompanying draft declaration

33 Ibid, paragraphs 80-87.

34 Ibid, paragraph 68.

35 Ibid, paragraphs 89 & 91.

36 Ibid, paragraphs 30-32.

37 Ibid, paragraph 2.

38 Salim provided further details on his thinking during the Inaugural Africa Centre Lecture in London on the theme “The OAU and the African Agenda in the 1990s”, he delivered on 11 October 1990. See Adole Bing: Salim A. Salim on the OAU and the African Agenda, Review of African Political Economy, No. 50, Africa in a New World Order (Mar. 1991), 60-69.

39 Report on Fundamental Changes, op. cit. paragraph 65.

were extensively discussed by the Ministers, whose session took place from 3 to 8 July 1990. The debates took a whole afternoon and went on until around 03.00 a.m., with countless proposals to amend the draft declaration, most of which aiming at tweaking the language rather than killing the text altogether. There was an understanding that times had changed and that Africa had to adapt. The Declaration offered the opportunity to do so on the leaders' terms, at least formally.

One aspect on which emphasis was laid was the affirmation that Africa was further democratizing rather than simply democratizing. In so doing, the idea was to signal that the continent didn't wait to be pressurized into new dispensations by the sheer force of external events beyond its control for it to initiate reforms. These, the argument went, had undoubtedly accelerated the pace of reforms but did not trigger them.

Another point emphatically made related to the need to ensure that the democratization processes took into account the African context and the realities of each country. The 'one-size-fits all' wasn't clearly the favored approach. So was rejected any idea of conditioning aid to specific political measures. Some countries were irritated by the opening statement made by President François Mitterrand at the 16th Franco-African Summit held in La Baule on 20 June 1990, urging the African leaders to draw lessons from the East Europeans and to embark on a democratic path. He indicated that, henceforth, "France will link its assistance to efforts that will be made towards achieving greater freedom. There will be normal French aid to African countries, but it is obvious that this aid will be more lukewarm towards those who behave in an authoritarian manner, and more enthusiastic towards those who will take steps towards democratization".⁴⁰

With the high number of suggested amendments slowing discussions, some proposed that the ministe-

rial session establish a drafting committee. The Secretariat knew out of experience that such a path could potentially undo the draft and open a Pandora's box. It managed to contain the pressure to put in place a drafting committee by assuring the delegations that the Secretariat will take note of all amendments and reflect them in the revised version. In reality, what it did was to inject in the draft declaration some of the key words and pronouncements made by the delegations during the debate, so that each member state could have a sense that its concerns had been taken into account to some extent. The revision of the draft was an embodiment of diplomatic finesse and artful drafting as few key words inserted in the draft captured the essence of the concerns expressed by the various delegation without altering the strength and the overall vision of the initiative. The revised version was adopted by the Council of Ministers, for consideration by the Summit.

In his address to the Summit, which opened on 9 July, Salim reemphasized the points he made to the Council of Ministers, notably as they relate to the changing international political landscape and the imperative for Africa to adapt to this new situation. He urged that the continent "undertake a lucid and critical appraisal of the difficult situation it faces, demonstrate the requisite political will and pool its resources together for (its) development and transformation ...". He went on to add that, while continuing to fight for a more just order, Africans "... must above all make an introspective analysis to determine what Africa can do from within its own resources and potential". In light of the discussions that took place at ministerial level, Salim returned extensively to the issue of democratization, stating the following:

"... It is significant that more and more African countries are recommitting themselves to enhancing the democratization process. This happy development is not accidental. It is the natural sequel to the post-independence phase

40 The statement of the French President was more nuanced. Indeed, he also said: "... La démocratie est un principe universel. Mais il ne faut pas oublier les différences de structures, de civilisations, de traditions, de mœurs. Il est impossible de proposer un système tout fait. La France n'a pas à dicter je ne sais quelle loi constitutionnelle qui s'imposerait de facto à l'ensemble de peuples qui ont leur propre conscience et leur propre histoire et qui doivent savoir comment se diriger vers le principe universel qu'est la démocratie... Je le répète, la France n'entend pas intervenir dans les affaires intérieures des Etats africains amis... Pour nous, cette forme subtile de colonialisme qui consisterait à faire la leçon en permanence aux Etats africains et à ceux qui les dirigent, c'est une forme de colonialisme aussi perverse que toute autre". On President Mitterrand's vision of France relationship with Africa, see P. Marchesin: Mitterrand l'Africain, Politique africaine No 58 – Mitterrand et l'Afrique, Juin 1995, 5-24. Regarding more specifically the follow-up to the speech made in La Baule, this author wrote: "L'idée d'adaptation de l'effort de démocratisation aux réalités locales va progressivement prendre le dessus jusqu'à remettre en cause le principal message du discours de La Baule", page 22.

of the African states, devoted to the consolidation of national unity, and the logical consequence of the struggle carried out by the African people for freedom and dignity. Aspiration for democracy and freedom knows no color of race, it has no geographical boundaries. It is a universal aspiration. Democratic freedoms and fundamental human and people's rights are acquired rights by humanity through the struggles and the sacrifices by men and women all over the world, notably those by Africans who paid a high price to regain their freedom and dignity. These rights are a common heritage of humanity, which should be promoted and protected ... The reality is there is a global consensus on the good sense of democracy and its universal values. The articulation of these values is a function of factors such as culture and socioeconomic conditions which exist in a given society. As such that articulation must of necessity differ from one country to another, or from one continent to another. Like revolutions which cannot be exported, democracy must be homegrown. It has to have its genesis in the socio-political realities and conditions of our countries; and be firmly anchored in the foundation of our culture. To this extent, Africa must guard against notions of standard prescriptions of democratic practices. We should equally guard against the imposition on any society of a particular model of democratic practices while affirming at the same time the relevance of universal democratic principles".⁴¹

The Summit adopted the Declaration without much discussion, as the most contentious aspects had already been ironed out at ministerial level, thanks to the crucial role played by the Secretariat. While many of the ideas contained in the report found their way into the Declaration, there was nonetheless a significant difference in the way the two documents were structured and the order in which the issues were brought up. The Declaration had a strong economic focus to which everything else was somehow subordinated. On the political aspects, it refrained from making as bold statements as those contained in the report and endorsing some of

the very specific proposals put forward by the Secretary-General. In finalizing the draft Declaration, the Secretariat was mindful of the need to come up with a text that would be acceptable to the overwhelming membership of the organization at a time when many embraced, at least rhetorically, the democratization processes only in response to unbearable pressure.

The Declaration started by echoing the points made in the report on the changing international landscape, stressing that this new situation "should guide Africa's collective thinking about the challenges and options before her in the 1990s and beyond, in view of the real threat of marginalization of our continent". It then "note(d) with satisfaction the achievements of Africa in the struggle for the decolonization of the continent and in the fight against racism and apartheid", indicating that Namibia's independence has "pushed further Africa's frontiers of freedom". While acknowledging that the measures taken by the de Klerk regime in South Africa "provide(d) ground for optimism", it also made it clear that "unless, and until, the racist minority government is irreversibly committed to the eradication of this anachronistic system, the international community must continue to exert all forms of pressure, including in particular economic sanctions against South Africa".⁴²

The socioeconomic issues occupy five paragraphs out of a total of fifteen. The Declaration acknowledged the precarious situation facing the continent, despite the efforts made at national level and collectively. It reaffirmed the determination of the member states to "lay solid foundation for self-reliant, human-centered and sustainable development ... so as to achieve accelerated transformation of our economies". To that end, the member states committed themselves to work towards economic integration and, in this respect, to rationalize existing economic groupings, in order to increase their effectiveness. They reaffirmed the continued validity as well as the fundamental principles of the Lagos Plan of Action.⁴³

In the Declaration, the Heads of State and Governments stated that they "are fully aware that, in order to facilitate (the) process of socioeconomic transformation and integration, it is necessary to promote popular

41 Speech to the July 1990 Summit. Copy on file with the authors.

42 Paragraphs 2-4 of the Declaration on Fundamental Changes

43 Ibid, paragraphs 5-9

participation ... in the processes of government and development”. Having recognized that “a permitting political environment, which guarantees human rights and the observance of the rule of law, would ensure high standards of probity and accountability, particularly on the part of those who hold public office” and that “popular-based political processes would ensure the involvement of all, ... in particular women and the youth in the developments efforts”, they recommitted “to the further democratization of our societies and to the consolidation of democratic institutions in our countries”. Of significance was the reaffirmation by the Heads of State and Government of “the right of our countries to determine, in all sovereignty, their system of democracy on the basis of their socio-cultural values, taking into account the realities of each of our countries and the necessity to ensure development and satisfy the basic needs of our people”.⁴⁴ This was seen as a direct response to President Mitterrand’s speech at La Baule as well as to US policies predicating development support on democratization.⁴⁵

In the Declaration, the Heads of State and Government pledged to “work together towards the peaceful and speedy resolution of all conflicts on our continent”, adding that this “will have the effect of reducing expenditures on defense and security, thus releasing additional resources for socioeconomic development”. A similar pledge was made to eradicate the root causes of the refugee problem.⁴⁶

Two observations are worth making here, to further illustrate the differences referred to above between the report of the Secretary-General and the Declaration. First, while the report asserted a continuum between Africa’s struggle for independence and majority rule, on the one hand, and the pursuit of democracy and human rights, on the other, the Declaration made no such

link. It advocated for democracy and human rights as necessary conditions for achieving development rather than as values worth pursuing in and for themselves. Second, the Declaration, in contrast with the report, remained rather vague on the reforms required for the OAU to be more effective in promoting peace and security. The report, as indicated above, went to some level of detail as to what should be done: softening of the interpretation of the principle of non-interference in the internal affairs of member states, reactivation of the CMCA, and more frequent recourse to the good offices of the Secretary-General. The Declaration included none of these proposals.

The Declaration stressed the need to strengthen the OAU, “so that it may also become a viable instrument in the service of Africa’s economic development and integration”. In other words, this was linked to the socioeconomic development and integration agenda of the continent, as it emerged from “a phase in its history that focused mainly on political liberation and nation-building and is about to embark on a new era laying greater emphasis on economic development”. No mention was made of the role that the OAU Secretariat would play in furthering democracy and the promotion of peace and security.⁴⁷

Like the report, the Declaration concludes with a call for international cooperation and solidarity. It appealed for “the establishment of a just and equitable international economic system”, as well as for the strengthening of the South-South cooperation and the reactivation of the North-South dialogue and cooperation.⁴⁸

There were clear differences of emphasis and articulation of priorities between the report and the Declaration: compared with the former, the latter marked a retreat from the bolder steps advocated by the Secre-

44 Ibid, paragraph 10.

45 See Phillipe Leymarie: *Les Africains et les ‘leçons de la démocratie’*, *Le Monde diplomatique*, août 1990, page 6. The author writes: “Faut-il ‘lier’ l’aide aux pays africains à des conditions politiques et au respect des droits de l’homme? C’était, depuis les débuts de la présidence de M. Reagan en 1980, la thèse américaine. C’est, de plus en plus, celle de la Communauté économique européenne et notamment de la France, qui l’a fait savoir à l’occasion du Sommet franco-africain de La Baule en juin 1990. Réplique des Africains, réunis à Addis Abeba, en juillet, pour le vingt-sixième Sommet de l’Organisation de l’unité africaine (OUA): “Démocratisation, oui; mais en toute souveraineté”. At its 56th ordinary session, held in Dakar, Senegal, from 22 to 28 June 1992, the Council of Ministers adopted resolution CM/Res.1389 (LVI) Rev. 1 on the Right of States to Decide on their Political Options Without Foreign Interference. In that resolution, the Council reaffirmed the right of every State to determine freely, in full sovereignty and complete freedom, its political institutions without foreign influence; and called on extra-African powers to refrain from interfering in the internal affairs of African countries.

46 Declaration on Fundamental Changes, paragraph 11.

47 Ibid, paragraph 12.

48 Ibid, paragraphs 13-14.

tary-General. The Declaration nonetheless constituted a major step forward and provided the Secretary-General and the OAU Secretariat as a whole with the political mandate they needed to advance the forward-looking agenda articulated in the report.

Focusing on the period that immediately followed the adoption of the Declaration, it appears that this text performed a dual role. On the one hand, it provided governments with an appropriate framework to portray the reforms already in motion or then being contemplated as deriving from a collective commitment at continental level rather than from external pressures, as well as to push back against the “increasing tendency to impose conditionalities of political nature for assistance to Africa”.⁴⁹ This political cover was particularly timely, as the Declaration intervened little less than a month after La Baule Summit, during which, as recalled earlier, the French government made progress towards democracy a key factor in its relationship with its partners on the continent. In this instance, the OAU acted as a collective platform that countries used to disapprove of particular stands of more powerful international actors as doing so frontally, at bilateral level, could be costlier. Operating at continental level provided the member states of the Organization with more room to position themselves on issues that could be sensitive and controversial and advance their interests, while also enhancing to some extent the diplomatic and political clout of the continent on the global stage.

On the other hand, the adoption of the Declaration “formalized a continental commitment to a liberal agenda broadly associated with democracy, the rule of law and human rights”, which “was reproduced in the founding treaty of the AU as part of its core principles”. In so doing, it helped in sustaining the fledging momentum towards democratization and respect for human rights that existed before it came into effect. It did so in two interrelated ways. First, it gave a kind of retroactive endorsement to the OAU’s earlier involvement in election observation, which dates back to 1989 as part of a joint mission with the UN in Namibia, followed by the Organization’s first solo deployment in The Comoros, in February 1990. Second, it provided

the necessary policy instrument for the development of election observation, which made only sense in a context of political pluralism, as the initial manifestation of the OAU’s practical role in furtherance of the democratization processes. This practice has since significantly expanded both in scope and quality, becoming, arguably, one of the AU most important activities in the realm of democracy promotion.⁵⁰

V. THE DECLARATION’S AFTERMATH: Role and influence on norms and policy development

Three decades have elapsed since the submission of the report of the Secretary-General on the “Fundamental Changes Taking Place in the World and their Implications for Africa - Proposals for an African Response” and the adoption of the related Declaration. This provides an opportunity to better assess the impact of the Declaration and the influence it exerted, with the view to determining the extent to which it represented a turning point in the journey of the (O) AU and Pan-Africanism, in general. In this respect, the following paragraphs will elaborate on the subsequent evolution of the governance, peace and security agenda of the Organization. They will also briefly touch upon the issue of economic integration and institutional reform considering the salience given to these two questions in the report and the Declaration.

Governance

Beyond the dual function it performed, as mentioned above, the Declaration has also had a more lasting influence in that it inspired and triggered the elaboration of a distinctively progressive policy and normative framework in the area of governance in the years that immediately followed and well beyond. This is manifest in the steps taken, from 1995 onwards, on the issue of unconstitutional changes of government, leading to the Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government

⁴⁹ Ibid, paragraph 7.

⁵⁰ Micha Wiebusch, Chika Charles Aniekwe, Lutz Oette and Stef Vandeginste: The African Charter on Democracy, Elections and Governance, op. cit., 16-17; and Chika Charles Aniekwe and Samuel Mondays Atuobi: Two Decades of Election Observation by the African Union - A Review, Journal of African Elections, Volume 15, No 1, 25-44.

adopted by the Summit held in July 2000.⁵¹ The Framework listed a set of common values and principles for democratic governance; defined what constitutes an unconstitutional change of government; and articulated the measures to be taken whenever such a change occurs. It built on the intermediate steps represented by the Harare and Algiers decisions of June 1997 and July 1999, respectively.⁵²

Of equal significance was the convening earlier, in May 1991, at the initiative of President Yoweri Museveni of Uganda, then Chairman of the OAU, and Olusegun Obasanjo, then Chairman of the African Leadership Foundation, of a meeting on security, stability, development and cooperation, which agreed on a unified strategy for the continent's renewal, linking all these four aspects in a comprehensive and integrated fashion.⁵³ In its preamble, the resulting Kampala Document "recall(ed) that, in July 1990, the Assembly of Heads of State and Government of the ... OAU adopted a Declaration on the Political and Socioeconomic Situation in Africa and advised that the fundamental changes taking place in the world should guide Africa's collective thinking about the challenges they face and options available to them"; and recommended the launching of a Conference on Security, Stability, Development and

Cooperation in Africa (CSSDCA) that would lead to the adoption of a set of principles and policy measures, as well as a process for its implementation. Modeled after the Helsinki Process on the Conference on Security and Cooperation in Europe (CSCE), the Kampala Document comprised four interrelated Calabashes covering the areas highlighted above, with the one on stability focusing on the need for democratization, good governance and popular participation.⁵⁴

Nine years later, and after failed follow-up attempts at the OAU Summits in Abuja, Dakar and Cairo, in June 1991, 1992 and 1993, respectively, due to the absence of inputs from member states, the 2000 Lomé Summit adopted the CSSDCA Solemn Declaration⁵⁵, on the basis of the report of the ministerial conference held in Abuja, Nigeria, in May of that year. It stated that the CSSDCA should provide a policy development forum for the elaboration and advancement of common values within the main policy organs of the OAU. In July 2002, the Solemn Declaration was supplemented by a Memorandum of Understanding (MoU) whose objective was to, among others, further distill the general and specific principles identified in the Solemn Declaration into core values; and agree on commitments to give effect to those core values, as well as on key

51 AHG/Decl.5 (XXXVI) adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government, held in Lome, Togo, from 10 to 12 July 2000. In actual fact, the efforts to root out unconstitutional changes of government go back to the very foundation of the OAU, albeit this issue was addressed in a very narrow and specific perspective and the term unconstitutional change was not used. The OAU Charter included, among its principles, the condemnation of political assassination as well as subversive activities. It is worth noting here that President Sylvanus Olympio of Togo was assassinated in January 1963, few months before the OAU founding Summit in Addis Ababa, in May 1963, prompting the leaders to bar his country's from participating in that meeting. Subsequently, the OAU adopted a Convention for the Elimination of Mercenarism in Africa, which later constituted part of the normative basis of the Lomé Declaration on Unconstitutional Changes of Government. It explicitly lists "any intervention by mercenaries to replace a democratically-elected government", as constituting an unconstitutional change of government. See Micha Wiebusch, Chika Charles Aniekwe, Lutz Oette and Stef Vandeginste: *The African Charter on Democracy, Elections and Governance*, op. cit., 18-19.

52 CM/Dec.356 (LXVI) adopted by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, from 28 to 31 May 1997. The decision condemned the coup d'état that took place in Sierra Leone on 25 May and appealed to the leaders of ECOWAS to assist the people of Sierra Leone to restore constitutional order. This paved the way for the intervention of the Nigeria-led ECOWAS Ceasefire Monitoring Group (ECOMIG) in February 1998 that enabled President Ahmad Tejan Kabbah to return to Freetown in early March. Decisions AHG/Dec. 141 (XXXV) and AHG/Dec. 142 (XXXV) were adopted by the 35th Ordinary Sessions of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999. These recalled the spirit of the Harare decision on the unconstitutional removal of Governments; recognized that the principles of good governance, transparency and human rights are essential elements for building representative and stable governments and contribute to conflict prevention; and decided that member states whose governments came to power through unconstitutional means after the Harare Summit should restore constitutional legality before the next Summit.

53 In his address to the 27th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Abuja from 3 to 6 June 91. President Museveni, as the outgoing Chairman of the OAU, made a clear link between the CSSDCA initiative and the Declaration on Fundamental Changes. See Ibrahim Talba (Ed.): *Organization of African Unity 1991 Abuja Summit – A Commemorative Handbook*, Abuja 1993, 85-86.

54 For more details on this process, see Francis M. Deng and I. William Zartman: *A Strategic Vision for Africa - The Kampala Movement*, Brookings Institution Press, 2002, 192 pages.

55 AHG/Decl.4 (XXXVI).

performance indicators to evaluate compliance.

The MoU, which benefited from a substantive civil society input, was endorsed by the 38th ordinary session of the OAU Assembly, held in Durban, South Africa, on 8 July 2002.⁵⁶ Together with the Solemn Declaration, it contains some of the most far-reaching commitments so far made by African states on governance and democracy. Among other key performance indicators with respect to the Stability Calabash, it committed the member states to: adopt by 2004, and in some cases, recommit to, the fundamental tenets of a democratic society, namely a Constitution and a Bill of Rights provision, where applicable, free and fair elections, an independent judiciary, freedom of expression, subordination of the military to legitimate civilian authority, and rejection of unconstitutional changes of government; elaborate, by 2004, principles of good governance and enact, by 2003, legislation to ensure the impartiality of the public service, the independence of the judiciary and the autonomy of institutions such as central banks and offices of auditor generals; adopt, by 2005, a commonly-derived Code of Conduct for political office holders that stipulate an inviolate constitutional limitation on the tenure of elected political office holders; adopt an OAU Convention on Combating Corruption and establish, by 2004, where they do not exist, independent anti-corruption commissions; etc.⁵⁷

Against this backdrop, and building on the emphasis placed by the AU Constitutive Act on the respect for democratic principles, human rights, the rule of law and good governance, the 2003 Convention on the Prevention and Combating of Corruption⁵⁸ and the 2007 Charter on Democracy, Elections and Governance (ACDEG) gave a binding nature to some of the commitments contained in the policy pronouncements referred to above, as part of a trend towards “greater institutionalization of continental governance mecha-

nisms through law”, reflecting “a level of confidence within the AU system in the ability of law to engineer social change”.⁵⁹ Significantly, and in keeping this process of “legalization”, the ACDEG itself was supplemented by additional instruments, namely the 2011 African Charter on Values and Principles of Public Service and Administration, the 2014 African Charter on the Values and Principles of Decentralization, Local Governance and Local Development, and the 2014 Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, known as the Malabo Protocol, which grants criminal jurisdiction over the crime of unconstitutional change of government to the AU Court of Justice, whose related Protocol, it should be noted, is yet to enter into force.⁶⁰

In a nutshell, the 1990 Declaration has provided the basis for the development of an expanding policy and normative framework on internal governance arrangements that has incrementally narrowed the scope of the principle of non-interference in the internal affairs of member states. This framework has, over the years, given the organization a far greater latitude in setting norms and ensuring their enforcement through the accountability mechanisms created by the different legal instruments referred to above. What seems at play here is a process through which “domestic governance arrangements are increasingly being “Africanized”, with “Africanisation” defined “as a collective effort to imagine and organize a political project based on a continentally-defined identity”.⁶¹

The importance of the Declaration on Fundamental Changes lies not only in the advances it has enabled in the area of governance, but also in the significant level of effectiveness of the norms that have been developed. This can be observed when assessing the impact of the (O)AU actions with respect to coups d'état. A

56 AHG/Dec. 175 (XXXVIII).

57 Ministerial Review Meeting on the Calabashes of the Conference on Security, Stability, Development and Cooperation in Africa, July 2002, Durban, South Africa: Memorandum of Understanding, OAU/CIVIL SOCIETY.3 (II), Annex, 29 pages.

58 For a detailed analysis of the Convention, see Nsongurua J. Udombana: Fighting Corruption Seriously? Africa's Anti-Corruption Convention, *Singapore Journal of International & Comparative Law* (2003) 7, 447–488.

59 Micha Wiebusch, Chika Charles Aniekwé, Lutz Oette and Stef Vandeginste: The African Charter on Democracy, Elections and Governance, *op. cit.*, p. 22.

60 *Ibid.*, 22–24. On the Court of Justice, see footnote 63.

61 *Ibid.*, page 13. The same authors rightly pointed out that, while “the historical genesis of a number of policy agendas and instruments in the (O)AU setting shows the gradual emergence, acceptance, and consolidation of core notions of democratic governance ..., yet, simply focusing on the development of these notions, or even presenting them as linear, steady progress towards continental democratic government model, would mask a series of tensions underlying these key continental agendas.”, page 20.

study covering coups d'état from 1952 to 2012 concluded that a quantitative analysis showed that « the Lomé Declaration might have had a deterrent effect on military coups ». More specifically, it made three key findings. Firstly, since the adoption of the Lomé Declaration, all regimes that came to power through coups have made it a point to quickly affirm their commitment to restore constitutional order. Secondly, the average time in power of coup-borne regimes has fallen by about a half, down to 11.4 months from 20.4 months, when comparing the period between 1990 and July 2000 and to the one spanning from July 2000 to December 2012. Thirdly, while only one coup-born regime was forced out of power prior to the Lomé Declaration (in Sierra Leone, where the regime of Johnny Paul Koroma, which seized power in May 1997, was removed thanks to the OAU-sanctioned ECOMIG-led intervention in early 1998), five of the ten such regimes since the adoption of the Lomé Declaration were forced to renounce power either in favor of the overthrown leader, constitutional successor or to a consensual caretaker, within a month or less. The study added that even though a combination of factors accounted for the achievements made, the AU's policies and decisions played the most significant role.⁶² This tallies with our own assessment based on our direct and active involvement in decisions and efforts relating to unconstitutional changes in Africa.

Furthermore, and in a way that complements the legalization of commitments in the area of governance referred to earlier, the past few years have also witnessed an expansion of the role of judicial institutions at both continental and regional levels. As a result of this “judicialization”, courts, in this instance the African Court on Human and Peoples’ Rights⁶³, “adjudicate, and thereby become involved in, salient political and con-

stitutional disputes”.⁶⁴ In this respect, it is worth noting the landmark judgement delivered by the African Court in November 2016 in the case *Actions pour la Protection des Droits de l’Homme (APDH) v. Republic of Côte d’Ivoire* on the composition of the Ivorian Independent Electoral Commission in which it affirmed the justiciability of the African Charter and the fact that it is a human rights instrument, implying that the rights enshrined therein can be litigated before the Court. In this case, the Court ordered Côte d’Ivoire to amend its legislation to ensure that the electoral Commission meet the standards of independence and impartiality, establishing itself as a “regional constitutional court”.⁶⁵ Similar orders were given in earlier cases, including *Tanganyika Law Society and Legal and Human Rights Centre and Reverend Christopher R. Mtikila v. United Republic of Tanzania* in June 2013, in which Tanzania was requested to make necessary legislative and/or constitutional adjustments after the Court concluded that a ban on independent candidates violated the right to political participation.⁶⁶

Overall, the pro-activeness of the Court has opened new avenues to hold governments to account for their governance practices, especially when they have made a declaration, as provided for by article 34(6) of the Court Protocol, accepting the competence of the Court to receive cases from non-governmental organizations (NGOs) with observer status before the African Commission on Human and Peoples’ Rights and individuals, under article 5(3) of the same Protocol. However, recently, following orders for provisional measures on high profile cases (*Sébastien Germain Marie Aïkoue Ajavon v. Republic of Benin and Guillaume Kigbafori Soro and others v. Republic of Côte d’Ivoire* dated 17 and 22 April 2020, respectively), the Court has faced renewed pushbacks, with the states

62 See Issaka Souaré: *The African Union as a norm entrepreneur on military coups d'état in Africa (1952-2012): an empirical assessment*, *The Journal of Modern African Studies*, Volume 52, Issue 01, March 2014, 69-94.

63 It should be noted that the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights, adopted on 10 June 1998 in Ouagadougou, Burkina Faso, and which entered into force on 25 January 2004, and the Protocol of the Court of Justice of the African Union, adopted on 1 July 2003 in Maputo, Mozambique, and which entered into force on 11 February 2009, were merged into a single instrument - the Protocol on the Statute of the African Court of Justice and Human Rights - adopted on 1 July 2008. As that single instrument is yet to enter into force, the African Court continue to operate on the basis of the June 1998 Protocol.

64 Micha Wiebusch, Chika Charles Aniekwe, Lutz Oette and Stef Vandeginste: *The African Charter on Democracy, Elections and Governance*, op. cit., 29-31.

65 Ben Kioko: *The African Charter on Democracy, Elections and Governance as a Justiciable Instrument*, *Journal of African Law*, Supplementary Issue - *The African Charter on Democracy, Elections and Governance* at 10, 2019, 39-67.

66 *Ibid.*, 58 & 61, and Micha Wiebusch, Chika Charles Aniekwe, Lutz Oette and Stef Vandeginste: *The African Charter on Democracy, Elections and Governance*, op. cit., page 30.

concerned having elected to withdraw the right of their citizens and NGOs to institute cases directly before the Court.⁶⁷ Other challenges being encountered by the AU, particularly in its drive to “Africanize” as much as possible national governance arrangements, include legal and other factors (slow and uneven ratification of instruments, limited capacity at national, regional and continental levels, extent of political commitment by member states and existence or not of a group of like-minded countries willing to promote the democratization agenda).⁶⁸

In recent years, that trend towards greater effectiveness has become clearer, as some researchers endeavor to bring to the fore aspects that had hitherto escaped academic attention, even though practitioners have been alert to them for many years. The approach here is to look at the effects of existing norms, in this instance the ACDEG, not only from the angle of their authors (the AU and its Regional Economic Communities, for instance,) or their addressees (member states), but also from a bottom up lens, which focuses on their “application and contestation in practice, as well as the repercussions these have in concrete, localized social contexts”.⁶⁹ The cases of Madagascar, following the political crisis of 2009, and Burkina Faso during, and in the aftermath of, the 2014 crisis illustrate how local actors used and challenged the provisions of the African Charter relating to eligibility to run in elections aimed at restoring legality after an unconstitutional change of Government.⁷⁰ Increased research and academic work is here in order to document emerging practices, explain the ongoing socialization processes with African institutions and instruments and the ways in which - both through tactics and strategies - various

stakeholders are taking advantage of the opportunities they offer to expand their agency and advance their own agendas.

Revamping of the OAU Conflict Management Mechanism

The 1990 Declaration has also provided the political framework for the revamping of the OAU conflict prevention and management tools. Building on the commitment made by the Heads of State and Government to work towards the speedy resolution of all conflicts on the continent, as well as on the request to the Secretary-General to monitor the implementation of the Declaration and to take all necessary actions in this respect, Salim moved quickly to establish, as early as 1991, a conflict management division within the then Political Affairs Department. At the 28th ordinary session of the OAU Assembly, held in Dakar, Senegal, from 29 June to 1 July 1992, he submitted a report titled: “Report of the Secretary-General on Conflicts in Africa - Proposals for an OAU Mechanism for Conflict Prevention, Management and Resolution”. The Assembly adopted in principle the establishment of the Mechanism, and requested the Secretary-General, “under the authority of the Bureau of the 28th session of the Assembly ... to undertake an in-depth study on all aspects relating to such a mechanism, including institutional and operational details, as well as financing”.⁷¹ Based on the discussions that took place in Dakar and subsequent consultations, the Secretariat reviewed its proposals, which were eventually endorsed by the 29th ordinary session of the Assembly, held in Cairo, Egypt, from 28 to 30 June 1993. The resulting Declaration on a Mecha-

67 Ben Kioko: *The African Charter on Democracy, Elections and Governance as a Justiciable Instrument*, op. cit.; page 58. The author rightly pointed out that “one may anticipate that the (Court)current tendency of acting as a sort of regional constitutional court may draw critics and even a possible backlash from states”. See communiqué of the Government of Benin dated 28 April 2020, which made reference to another case - *Ghaby Kodeih and Ghaby Kodeih & Nabih Kodeih v. Republic of Benin* - dated 28 February 2020, and decision made by Côte d’Ivoire also on 28 April 2020. Regional Courts have suffered the same backlash. See Nicole De Silva and Misha Plagis: *A Court in Crisis - African States’ Increased Resistance to Africa’s Human Rights Court*, *OpinioJuris*, 19 May 2020.

68 Micha Wiebusch, Chika Charles Aniekwe, Lutz Oette and Stef Vandeginste: *The African Charter on Democracy, Elections and Governance*, op. cit., 31-37; and Ulf Engel: *The 2007 African Charter on Democracy, Elections and Governance - Trying to Make Sense of the Late Ratification of the African Charter and Non-Implementation of its Compliance Mechanisms*, *Africa Spectrum* 2019, Vol. 54(2), 127-146.

69 Antonia Witt: *Where Regional Norms Matter - Contestation and the Domestic Impact of the African Charter on Democracy, Elections and Governance*, *Africa Spectrum*, 2019, Vol. 54 (2), 106-126. The author adds that: “By questioning either its correct application or its normative validity, actors express their perception of the power and impact of a given norm. In other words, if actors perceived the norm as impotent and irrelevant, they would not bother to question it”, page 108.

70 Ibid.

71 AHG/Decl.1 (XXXVIII).

nism for Conflict Prevention, Management and Resolution (known as the Cairo Declaration) reaffirmed the commitment of the Heads of State and Government to the 1990 Declaration, including their determination to work in concert in the search for speedy and peaceful resolution to all conflicts in Africa.⁷²

Two key elements of the July 1990 report of the Secretary-General informed the design of the Mechanism. The first was the need to move away from the ad hoc mechanisms that had been prevalent since the creation of the OAU.⁷³ In the Cairo Declaration, the Heads of State and Government indicated that they “saw in the establishment of (the) Mechanism the opportunity to bring to the processes of dealing with conflicts in our continent a new institutional dynamism, enabling speedy action to prevent or manage and ultimately resolve conflicts when and where they do occur.” In this context, the Central Organ comprised of the States members of the Bureau of the Assembly, was mandated “to assume overall direction and conduct the activities of the Mechanism in-between ordinary sessions of the Assembly”.⁷⁴

Second, while the Declaration stressed that the Mechanism would be guided, among others, by the principle of non-interference in the internal affairs of States, it made room for the OAU to play a more important role in the settlement of all conflicts in Africa in line with the commitment enshrined in the 1990 Declaration. The mandate given to the Mechanism to anticipate and prevent conflicts and, where they do occur, undertake peacemaking and peace-building functions in order to facilitate their resolution clearly meant, especially in the post-Cold War era characterized by the onset of several “intrastate”⁷⁵ conflicts, that member states were expected not to use the non-interference principle to stifle the ability of the OAU to intervene.⁷⁶

The Mechanism, in spite of its limitations, undoubtedly enabled the OAU to play a far more important role in the management of the African crises, be it by way of mediation or deployment of military and civilian personnel on the ground.⁷⁷ It also laid the ground for the elaboration, as part of the transition from the OAU to the AU, of the Peace and Security Council (PSC) Protocol. In many respects, the PSC Protocol and the provisions contained therein marked a turning point: unlike the Cairo Declaration, the Protocol is a legally-binding document; it puts in place a comprehensive peace and security architecture, having at its core a Peace and Security Council whose members are elected instead of being simply coopted by virtue of their membership of the Bureau of the Assembly; it gives the AU extensive powers in the area of prevention and the space required to intervene in domestic conflicts, thus significantly reducing the scope of the non-interference principle; it empowers the AU to deploy large peace support operations; and its rules of procedure are formulated in such a way that countries at conflict, even if they are members of the PSC, cannot be part of discussions and decisions relating to situations in which they are involved.

The above notwithstanding, some of the PSC Protocol provisions borrowed from the Cairo Declaration, while also expanding them. Two deserve attention. The first one relates to the establishment of a peace fund to support OAU operational activities on conflict management and resolution, made up of financial appropriations from the regular budget, voluntary contributions from member states and other sources in Africa, as well as, under certain conditions, voluntary contributions from sources outside Africa. The PSC Protocol strengthened these provisions by including the establishment of a revolving trust fund within the peace fund, as well as by specifying that, when required, the

72 AHG/DECL.3 (XXIX). On the evolution of the OAU conflict management mechanisms and their functioning, see Klaas van Walraven, *Dreams of Power*, op. cit., 267-348.

73 Report on Fundamental Changes, op. cit., paragraph 17.

74 Paragraph 18 of the Cairo Declaration.

75 Noël Twagiramungu, Allard Duursma, Mulugeta Gebrehiwot Berhe and Alex de Waal: *Re-describing transnational conflict in Africa*, op. cit.

76 Report on Fundamental Changes, op. cit., paragraph 61.

77 See Monde Muyangwa and Margaret A. Vogt: *An Assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1990-2000*, International Peace Academy, November 2000; and, with respect to the deployment of peace support operations, El-Ghassim Wane: *L'Union africaine à l'épreuve des opérations de soutien de soutien à la paix, Entre innovations institutionnelles et contraintes opérationnelles*, Guide du maintien de la paix 2011: *L'Afrique et les opérations de paix* (sous la direction de David Morin et Lori-Anne Theroux-Benoni), Athena, 2011, 53-75.

cost of operations envisaged under the African Standby Force shall be assessed to member states based on the scale of their contributions to the AU regular budget.⁷⁸

The second point pertains to the relationship between the AU and the Regional Economic Communities (RECs) Mechanisms for Conflict Prevention, Management and Resolution (RMs). The PSC Protocol contains detailed provisions on this aspect, which were subsequently supplemented by the 2008 Memorandum on Cooperation in the Area of Peace and Security between the AU and the RECs/RMs. In so doing, the Protocol built on the relevant provisions of the Cairo Declaration, which was the first OAU document to formally recognize the role of regional groupings in the promotion of peace and security.⁷⁹ Even though they played an important role in the management of conflicts in their respective geographical areas, in particular from the mid-60s, these groupings were in actual fact supposed to focus exclusively on economic, cultural and scientific issues, leaving the handling of political matters to the OAU. This was the basis of the compromise found between those who, at the Addis Ababa May 1963 Summit, wanted to move immediately and directly towards continental unity, and therefore called for the abolishment of preexisting regional groupings seen as factors of division, and those who were of the view that the march towards unity should be gradual and be based on regional organizations. That compromise was formalized at the first extraordinary session of the OAU Council of Ministers, held in Dakar,

from 2 to 11 August 1963.⁸⁰

From a more practical perspective, it is interesting to note how the AU has revived the OAU's use of ad hoc committees to mediate conflicts. As indicated above, soon after its creation, the OAU resorted to this tool in *lieu et place* of the CMCA, operating either at the level of Heads of State and Government or at that of Ministers, under the authority of the Assembly or the Council of Ministers, as the case may be. Though these tools enabled the OAU to play an important role in a number of conflicts, they had nonetheless an inherent weakness linked to their very ad hoc nature, which made it impossible to ensure the required continuity. This realization informed the decision made in Cairo, in June 1993, to institutionalize the OAU conflict resolution mechanisms.

The early years of the PSC were characterized by the central role played by the Commission either on its own initiative or at the request of the PSC, including through special envoys and representatives.⁸¹ However, in 2011 alone, the PSC mandated the establishment of the AU High-Level Panel for the Resolution of the Crisis in Côte d'Ivoire⁸² and the High-Level ad hoc Committee on Libya following the uprising against Colonel Qaddafi.⁸³ In 2014, the PSC established another ad hoc Committee to provide support to the regional efforts spearheaded by IGAD towards the resolution of the conflict in South Sudan.⁸⁴ It should also be noted that, in 2008, the PSC mandated the creation of the

78 Article 21 of the PSC Protocol

79 Paragraph 24 of the Cairo Declaration.

80 See Res. CM/Res. 5 (I); as well as François Borella: *Le régionalisme africain et l'Organisation de l'unité africaine*, *Annuaire Français de Droit International*, 1963, 9, 838-865; *Le régionalisme africain en 1964*, *AFDI*, 1964, 10, 621-637; et *Le régionalisme africain en crise (1965-1966)*, *AFDI* 1966, 12, 756-783.

81 In 2003, the idea of putting in place ad hoc committees of Heads of State and Government to follow-up specific conflicts and assist in their resolution was floated. The objective was to leverage the highest level of authority in the Organization. However, this was not pursued further, as it was felt that such committees could undercut the role of the PSC, which was just being launched. Such Committees also had the potential of duplicating the mandate of the Panel of the Wise, which is made up of five high-level personalities tasked to support the PSC and the Chairperson, particularly in conflict prevention.

82 The Panel included Burkina Faso, Chad, Mauritania, South Africa and Tanzania, as well as the Commission. See communiqué PSC/AHG/COMM (CCLIX), adopted by the 259th meeting of the PSC held on 28 January 2011; report of the High-Level Panel for the Resolution of the Crisis in Côte d'Ivoire to the 265th meeting of the PSC held on 10 March 2011, Document PSC/AHG/2 (CCLXV); and related communiqué PSC/AHG/COMM.1(CCLXV).

83 The Committee was comprised of the Republic of Congo, Mali, Mauritania, South Africa, and Uganda, as well as the Commission. See communiqué PSC/PR/COMM.2(CCLXV) adopted by the 265th meeting of the PSC held on 10 March 2011; report of the Chairperson of the Commission on the activities of the AU High-Level ad hoc Committee on the situation in Libya to the 275th meeting of the PSC, held on 26 April 2011, PSC/PR/2(CCLXXV), 14 pages; and the report of the Chairperson of the Commission on the situation in Libya and on the efforts of the African Union for a political solution to the Libyan crisis to the 291st meeting of the PSC, held on 26 August 2011, document PSC/AHG/3(CCXCI), 5 pages.

84 The Committee includes the following countries: Algeria, Chad, Nigeria, Rwanda and South Africa. See Communiqué PSC/PR/

AU High-Level Panel on Darfur (AUPD) which was mandated to examine the situation in Sudan in depth, in the wake of the indictment of President Omar Hassan al-Bashir by the International Criminal Court and submit recommendations on how best the issues of accountability and combatting impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed. The AUPD later became the AU High-Level Implementation Panel for Sudan and South Sudan (AUHIP), with the mandate to help in the implementation of the AUPD recommendations and the Comprehensive Peace Agreement of 2005.⁸⁵ In July 2013, the AU High Level Panel for Egypt was formed, with the PSC support, to interact with the Egyptian stakeholders with the view of facilitating a transition that would lead to an earlier return to constitutional order.⁸⁶

The establishment of these structures can be linked to the complexity and gravity of the crises in question and the need for the AU to be involved at the highest level to be able to play an effective role. In this respect, it is worth noting that in the cases of Côte d'Ivoire and South Sudan the concerned regional organizations (ECOWAS and IGAD) were involved at the level of their Heads of State and Government, while in the case of Libya the NATO intervention and the competition with the UN for the conduct of the mediation significantly raised the stakes. In the face of these situations, the AU had to leverage the authority of the Heads of State in order to create the necessary political space for its mediation. There is however a difference in the ways these high level structures operated under the

OAU and within the AU framework. The first factor relates to the existence of the PSC, to which the ad hoc committees reported and which operates “as a standing decision-making organ for the prevention, management and resolution of conflicts”⁸⁷, thus ensuring the kind of continuity that, for very long, eluded the OAU conflict management mechanisms. The second element has to do with the fact that the Commission was a full-fledged member of the Committees on Cote d'Ivoire and Libya. This membership allowed the Commission to play a critical role not only in terms of technical support but also at strategic level.

Economic integration

On the economic front, the immediate follow up to the July 1990 Declaration was the adoption of the 1991 Abuja Treaty establishing the African Economic Community (AEC), which has, as its pillars, the RECs. There is no doubt that the AEC genesis goes back to much earlier policy pronouncements, including the 1979 Monrovia Declaration of Commitment on Guidelines and Measures for National and Collective Self-Reliance in Social and Economic Development for the Establishment of a New International Economic Order⁸⁸, as well as to the 1980 Lagos Plan of Action and Final Act of Lagos. Yet it cannot be denied that the 1990 Declaration gave an added impetus to the integration agenda and created the required political conditions for the holding of the June 1991 Abuja Summit.⁸⁹ The Treaty laid down a timetable for the full economic integration of the continent, under which Africa would become an economic union by 2027, with a common

COMM (CDLXXIV) adopted by the 474th meeting of the PSC held on 5 December 2014 and Press Statement PSC/PR/BR.1(CDXCIV) adopted the by 494th meeting of the PSC held on 24 March 2015.

85 The AUPD is made up of former Heads of State and Government; so is the AUHIP. See PSC/MN/Comm(CXLII) adopted by the PSC at its 142nd meeting held in Addis Ababa on 21 July 2008; the report of the AUPD to the 207th meeting of the PSC held in Abuja, Nigeria, on 29 October 2009, Document PSC/AHG/2(CCVII); and communique PSC/AHG/COMM.1(CCVII) adopted at the same meeting.

86 See communique PSC/PR/COMM.(CCCLXXXIV) adopted by the PSC at its 384th meeting held on 5 July 2013; final report of the AU High Level Panel for Egypt [PSC/AHG/4/(CDXVI), 33 pages] and communique PSC/PR/COMM.2(CDXLII) adopted by the 442nd meeting of the PSC held in Addis Ababa, on 17 June 2014.

87 Article 2 of the PSC Protocol.

88 See Declaration AHG/ST. 3 (XVI) Rev. 1 adopted by the 16th Ordinary Session of the Assembly of Heads of State and Government, held in Monrovia, Liberia, from 17 to 20 July 1979.

89 This was evident in the Introductory Note of Salim Ahmed Salim to 54th Ordinary Session of the Council of Ministers, held in Abuja, from 27 May to 1 June 1991, as well as in his speech to 27th Ordinary Session of the Assembly of Heads of State and Government, held from 3 to 6 June 1991, and in those of the then outgoing Chairman of the OAU, President Yoweri Kaguta Museveni of Uganda, and then incoming Chairman, President Ibrahim Badamasi Babangida of Nigeria. They all emphasized the fundamental changes taking place in the world and the need for Africa to rise to the challenges then at hand, building on the commitments made in the 1990 Declaration to accelerate continental integration. See Ibrahim Talba (Ed.): “Organization of African Unity 1991 Abuja Summit - A Commemorative Handbook, op. cit., 327 pages.

currency, full mobility of the factors of production and free trade among the member states. To achieve this vision, the Treaty provided that the process of the creation of AEC be carried out over a period of 34 years (1994-2027), in six different stages of different duration:

- **Stage 1** (1994 to 1999) focusing on the strengthening of existing RECs and, if necessary, creation of new ones;
- **Stage 2** (1999-2007) requiring member states, through the RECs, to stabilize existing tariff and non-tariff barriers, customs duties and internal taxes, and work towards the strengthening of sectoral integration;
- **Stage 3** (2007-2016) devoted to the creation of free trade areas and customs unions at the level of the RECs;
- **Stage 4** (2017-2018) concentrating on the coordination and harmonization of tariff and non-tariff barriers among RECs, with Africa becoming, at this point, a customs union, with a common external tariff;
- **Stage 5** (2019-2022) with the establishment of an African Common Market through the adoption of a common policy for all sectors of the economy, a continent-wide harmonization of monetary, financial and fiscal policies, and the free mobility of factors (capital and labor) of production, including the rights of residence and establishment; and
- **Stage 6** (2023-2027), which would see the establishment of the AEC, with African citizens free, at this phase, to reside in any part of the

continent and the existence of a single domestic market.

Based on the timetable of the Abuja Treaty, we should have been by now in the fifth stage with the Common Market. The adoption of the African Continental Free Trade Area (AfCFTA) along with the Protocol to the AEC Treaty Relating to the Free Movement of Persons, Right of Residence and Right of Establishment⁹⁰ present an opportunity for the continent to expedite the advent of the AEC. In actual fact, the AfCFTA corresponds to the AEC stages 4 and 5. Indeed, while dealing with the tariff and non-tariff barriers envisaged in stage 4 of the AEC, it also addresses issues relating to investment, trade in services and intellectual property, including some regulatory harmonization. These are aspects that usually fall under the remit of a common market, which is envisaged in stage 5 of the AEC.⁹¹

Institutional Reform

Finally, thirty years later, one cannot but be struck by the similarities between the concerns that were at the heart of the proposals for the reform of the OAU, as articulated by Salim, and those that informed the 2017 report submitted by President Paul Kagame on the AU institutional reform, especially as they relate to issues of overall efficiency, non-implementation of decisions, funding with member states not assuming their responsibilities in this respect, and the need for the rationalization of existing structures.⁹² The overarching objective was then, as it is today, to make the continental organization more fit for purpose and result-oriented, in the face of a difficult and complex international environment.⁹³

90 The AfCFTA was adopted by the 10th Extraordinary Session of the Assembly held in Kigali, Rwanda, on 21 March 2018, along with the Protocol on Trade in Goods, the Protocol on Trade in Services and the Protocol on Rules and Procedures on the Settlement of Disputes [Ext/Assembly/AU/Dec.1(X)]. The Protocol on Free Movement was adopted by the 30th Ordinary Session of the Assembly held in Addis Ababa, from 28 to 29 January 2018 [Assembly/AU/Dec.676(XXX)].

91 On the AfCFTA and its prospects, see Theophile Albert: *The African Continental Free Trade Agreement - Opportunities and Challenges*, CUTS International, Geneva, 2019, 31 pages.

92 *The Imperative to Strengthen our Union - Report on the Proposed Recommendations for the Institutional Reform of the African Union*, 29 January 2017, 32 pages.

93 In his report (2-4), President Kagame stressed the following: “As unprecedented challenges multiply and spread across the globe at a dizzying pace, new vulnerabilities are increasingly laid bare, in rich and poor countries alike The point of African unity has never been about rhetoric alone, but rather the practical need to work together to realize concrete improvements in the wellbeing and security of our citizens which would be unattainable working as individual entities ... Without an African Union that delivers, the continent cannot progress, and we face the likelihood of yet another decade of lost opportunity”. The findings of his report as far as the AU is concerned were summed up as follows: constant failure to see through AU decisions, which has resulted in a crisis of implementation; perception of limited relevance to African citizens; fragmented organization with a multitude of focus areas; over-dependence on partner funding;

As early as February 1990, at his first Council of Ministers as Secretary-General, Salim made a proposal to improve the working methods of the Assembly, by scheduling its annual ordinary session on a fixed date, thus ensuring better attendance of the Summits. At the July 1990 Council's session, he suggested that the date be the first Monday of June, which was accepted. He also recommended to the Council of Ministers, as part of the rationalization drive, the establishment of a Committee on Conferences, "which will be responsible for determining the policy of the Organization with regard to conference servicing and also preparing a schedule of meetings based on the priorities and resources of the Organization". He further suggested that the general commissions provided for under the Charter ... be revived in order to fuse the plethora of sectorial ministerial conferences and arrest the proliferation of such conferences".⁹⁴ The Council concurred with this recommendation. In July 1990, Salim reiterated his call for reform, linking it to the need for improved performance, enhanced credibility, rationalization and cutting down of expenditure.⁹⁵

It is in this context that the July 1990 Summit adopted a decision on the scheduling of the ordinary sessions of the Assembly on a fixed date. Having expressed its conviction "that a fixed date will facilitate the scheduling of these meetings in the work programmes of the Heads of State and Government and ensure greater rationalization", the Assembly decided to adopt the first Monday of June as a fixed date for the holding of the

ordinary sessions of the Assembly ...". It also decided to establish a Committee on Conferences composed of all Member States, "considering that such an organ is necessary in order to ensure the rationalization of the activities and a more efficient utilization of the resources of the Organization".⁹⁶

Building on his report on Fundamental Changes, Salim also prioritized the issue of member states statutory contributions to the OAU regular budget, continuously reminding all concerned of this basic duty towards the continental Organization and urging the policy organs to take the steps called for by the situation. At its July 1990 Ordinary Session, the Council of Ministers decided to significantly tighten the sanctions provided for by the OAU Financial Rules and Regulations.⁹⁷

Additional recommendations were made to further improve the conduct of the business of the Summit, with the view to making it more efficient. This included shortening the opening ceremony with the UN Secretary-General speaking on behalf of the entire international community, thus making it unnecessary for other international stakeholders to address the Summit⁹⁸, and convening, immediately after the opening, a restricted closed session, to allow for more frank and in-depth discussions on the critical issues serving on their agenda. In January 1995, the Council of Ministers adopted a decision reducing the duration of its meetings to three instead of their then usual six days.⁹⁹ Furthermore, and out of concern that the OAU was adopting too many

under-performance of some organs and institutions due to unclear mandates or chronic under-funding; limited managerial capacity; lack of accountability for performance at all levels; unclear division of labor between the AU Commission, the RECs/RMs, and member states. 6-7.

94 The OAU Charter, in its Article XX, provided that the Assembly shall establish such Specialized Commissions as it may deem necessary, including the Economic and Social Commission; the Educational, Scientific, Cultural and Health Commission; and the Defense Commission.

95 Speech to the July 1990 Summit, *op. cit.*

96 AHG/Decl.I. (XXVI) and AHG/Res.195 (XXVI).

97 The Financial Rules and Regulations then provided that member states with outstanding contributions to the regular budget shall not participate in either the vote or OAU decisions if the amount of their arrears are equal or in excess of the contributions due by them for two complete financial years. CM/Res.1279 (LII) stipulated that, in addition to those sanctions, such states shall also be deprived of the right to speak at OAU meetings; the right to present candidates for OAU posts (political appointees and other officials); the right to present candidates for OAU decision-making bodies. The member states concerned were given five years to pay up their arrears and one year to send a payment schedule. At its 53rd Ordinary Session, held in Addis Ababa, from 25 February to 1 March 1991, the Council of Ministers reinforced these measures with the suspension with immediate effect of recruitment of personnel from member states with more than two years in default payment of contributions - CM/Res.1311 (LIII).

98 This idea came about at the June 1993 Summit in Cairo. The then ECA Executive Secretary made a very long address at the opening of the Summit. President Mubarak, who was chairing the meeting, was not pleased. He suggested to his peers that their opening sessions should be shortened to allow them to focus on their agenda and called for measures to avoid a repeat of such situation.

99 CM/Res.1557 (LXI) on the Methodology of the Sessions of the Council of Ministers adopted by the 61st Ordinary Session of the OAU Council of Ministers, held in Addis Ababa, from 23 to 27 January 1995.

resolutions, a situation that compounded the implementation challenges, Salim directed the Secretariat to reduce the number of drafts submitted to the policy organs and review their format, to make them shorter and more action-oriented. This led, starting from 1997, to the scraping of preambles from resolutions, which, henceforward, consisted only of their operational provisions, as well as to their renaming as “decisions”.

The follow-up and impact of these various steps were fairly effective in the years that followed. Subsequently, however, the level of compliance with some of them weakened, while other challenges emerged. Against this backdrop, the wide-ranging recommendations made by President Kagame in his report were particularly timely. These provided notably for the following: focus on a fewer number of priority areas which are by nature continental in scope, with the concomitant establishment of a clear division of labor between the AU, the RECs/RMs and other continental institutions, in line with the principle of subsidiarity; the realignment of the AU structures to deliver on key priorities; the efficient management of the AU at both operational and political levels, including limiting the agenda of the Assembly to no more than three strategic items, the holding of a mid-year coordination meeting with the RECs/RMs, and restrictions to invitations to external parties, which should be done on exceptional basis and for a specific purpose; as well as ensuring the AU’s financial autonomy and improving accountability, including the tightening of penalties for failure to honor assessed contributions. Equally importantly, the report on institutional reform recommended the establishment of dedicated oversight, implementation and change management structures, to avoid the repeat of past experiences marked by limited success at implementation.¹⁰⁰

In a nutshell, the report on the AU institutional reform has broadened the perspective, articulated far com-

prehensive and systematic responses, and put in place more efficient and elaborate implementation mechanisms. The progress made with respect to the AU financial autonomy in particular is significant.

VI. THREE DECADES ON: Revisiting some assumptions and views on the OAU

In light of the above, it is pertinent to take a fresh look at the way observers and, at times, ordinary citizens contrast the OAU with the AU. There is a tendency to focus on the discontinuities and to overlook continuities. There is no doubt that the AU marks, in many respects, a clear and welcome break from its predecessor: it has placed a greater emphasis on the values of democracy, human rights and governance; it has devised new and unique tools to prevent mass atrocities and avoid a repeat of tragedies such as the 1994 genocide against the Tutsi and further conflict prevention and resolution; it has injected a new urgency into the integration agenda. Yet, as shown above, a number of AU initiatives can be linked to policies and efforts made under the OAU, arguably with less success and effectiveness. As much as the differences between the two institutions are to be highlighted, in that they reflected efforts to adjust to changing circumstances, continuities should not be ignored. Significantly, the Sirte Declaration of September 1999 envisaged the establishment of the AU as a way to hasten the achievement of the OAU Charter’s ultimate objectives.¹⁰¹

Linked to this, is the need for a more nuanced assessment of the OAU’s role in the advancement of democracy and human rights, as well as conflict management. According to the prevailing narrative, most if not all of the advances made are to be attributed to the AU. The OAU is often referred to as a “club of dictators” bent

100 The Imperative to Strengthen our Union - Report on the Proposed Recommendations for the Institutional Reform of the African Union, op. cit., 11-27.

101 In its Durban Declaration in Tribute to the Organization of African Unity on the Occasion of the Launching of the African Union - ASS/AU/Decl. 2 (I) - the 1st Ordinary Session of the Assembly of Heads of State and Government of the AU, held on 9 and 10 July 2002, stated: “As we hail the achievements of the OAU, we rededicate ourselves more resolutely to its principles and objectives and to the ideals of freedom, unity and development which the founding leaders sought to achieve in establishing the Organization thirty-nine years ago. As we bid farewell to the OAU, we rededicate ourselves to its memory as a pioneer, a liberator, a unifier, an organizer, and the soul of our continent. We pledge to strive more resolutely in pursuing the ultimate goals of the OAU and in furthering the cause of Africa and its people under the African Union”. This pronouncement also made reference to the Declaration on the Political and Socioeconomic Situation in Africa and the Fundamental Changes taking place in the World of 1990, noting that it “underscores Africa’s resolve to seize the initiative, to determine its destiny and to address the challenges to peace, democracy and security”.

on supporting each other.¹⁰² For sure, the Organization did, for most part, turn the other way in the face of horrendous human rights violations. Domestic governance arrangements, marked by single party systems and big man politics, were an absolute no go area. And some of its Chairmen were among the worst offenders of human rights.¹⁰³ But such a narrative tells only part of the story. It fails to give credit to the Organization for its undeniable contribution to the decolonization of the continent and the fight against racial discrimination and apartheid. It also overlooks the incremental steps taken within the Organization to address the democracy and human rights agenda, as shown by the adoption in 1981 of the African Charter on Human and People's Rights, culminating in the Declaration on the Political and Socioeconomic Situation in Africa that paved the way for a large number of decisions and declarations upon which instruments developed within the AU framework were built.

Another frequent view is to look at the OAU Secretariat as being mainly an administrative entity, with no or little political authority. There is some ground to this view, as the OAU Secretary-General was in actual fact called "Administrative" Secretary-General (it was only in 1979 that this qualifier was dropped). It appears that "the office was intended and designed as a weak, apolitical, institution, and incumbents' efforts to ex-

pand its authority have been mistrusted and, in general, rebuffed by the members".¹⁰⁴ As put by another author, "member states did not wish another Dag Hammarskjöld challenging their supremacy".¹⁰⁵ In spite of the constraints facing them, the first Secretary-General, Telli Diallo, and his successors all attempted, with varying degrees of pro-activeness and success, to play a political role.¹⁰⁶

By taking the initiative that led to the report on Fundamental Changes and the related Declaration, Salim and his colleagues in the Secretariat cemented and significantly expanded that political role, heralding the space that was to be given to the Chairperson of the Commission in the AU wider institutional architecture, in particular in the area of peace and security.¹⁰⁷ The achievement made was all the more impressive as the issues then at hand were extremely sensitive and the commitment to democratic values was not widespread. It is also worth stressing that the Secretariat initiated many of follow up steps that translated the Declaration into new policy and normative instruments. What mattered was less the extent of the powers legally conferred upon the Secretariat than its ability to use the limited room of action afforded to it to its fullest and skillfully maneuver in the pursuit of the objectives it had set.¹⁰⁸

102 See Tim Murithi: *The African Union and the Institutionalization of Pan-Africanism*, in Reiland Rabaka (Ed.): *Routledge Handbook of Pan Africanism*, Routledge 2020. He wrote: "Regrettably, due to the doctrine of non-intervention, the OAU became a silent observer to the atrocities being committed by some of its member states. Eventually, a culture of impunity and indifference became entrenched in the international relations of African countries during the era of the "proxy" wars of the Cold War. In effect, the OAU was a toothless talking shop. The OAU was perceived as a club of African Heads of States, most of whom were not legitimately elected representatives of their own citizens but self-appointed dictators and oligarchs. This negative perception informed people's attitude towards the OAU. It was viewed as an Organization that existed without having a genuine impact on the daily lives of Africans", page 377.

103 Klaas van Walraven, *Dreams of Power*, op. cit., 303-322.

104 See B. David Meyers: *The OAU's Administrative Secretary-General*, *International Organization*, Vol. 30, No. 3, 1976), 509-520.

105 *Ibid*, 516-519; and Klaas van Walraven, *Dreams of Power*, op. cit., 177-178.

106 In analyzing the factors that impacted the political role of the Secretary-General, B. David Meyers emphasized four elements: the legal-institutional authority granted the office; the material and non-material resources available to the incumbent; the effects of splits among the organization's members; and the personal qualities and beliefs of the officeholder.

107 See in particular article 7 of the PSC Protocol, which stipulates that the powers of the PSC are to be exercised "in conjunction with the Chairperson of the Commission". Article 10 on the role of the Chairperson grants additional powers, including bringing to the attention of the PSC and the Panel of the Wise any matter which may threaten peace, security and stability on the continent; and using his/her good offices for the purposes of conflict prevention and resolution, as well as peace-building.

108 The role played by Salim and the Secretariat was no doubt facilitated by the evolutions that took place in the 1980s about the role of the Secretary-General. In this respect, it should be noted that, in 1982, the Charter Review Committee "proposed to formulate a new provision along the lines of article 99 of the UN Charter. It stipulated that the SG might draw the attention of member states to acts of another member that could prejudice OAU objectives or constitute a menace to Africa's peace and security", See Klaas van Walraven: *Dreams of Power*, page 178. That said, the so-called idiosyncratic factors played a crucial role. These are defined as follows: "Highly important personal qualities are the incumbent's own view of the proper limits of the office and his initiative in exploiting opportunities to expand its powers. Other personal qualities which may affect his influence include his political skills and discretion. Imputed qualities refer to the

Pan-Africanism has had, so far, two inter-governmental institutional incarnations: the OAU and the AU. These provide an easy periodization of the evolution of the Pan-African movement: from 1963 to 2002 and from 2002 to now. Yet the reality calls for a subtler periodization, one less interested in institutional setups and more on how key policies and norms, especially on governance and peace and security, have built on each other's and consolidated over lengthy periods of time. These policies and norms, in no way, can be ascribed exclusively to the OAU or its successor, the AU. Looking back at the last six decades since the creation of the OAU, it is clear that a key inflexion in the history of the (O)AU was in July 1990 when the Declaration on Fundamental Changes was adopted, culminating with the creation of the AU.¹⁰⁹

VI. A FINAL WORD

As underlined above, the adoption of the July 1990 Declaration on Fundamental Changes marked a turning point in the trajectory of the OAU. In the face of the deep and complex crisis that affected the continent in the 1980s, the so-called "lost decade" with the attendant social and political consequences, and a completely-transformed international landscape, Africa was able to articulate a comprehensive response and to roll out an agenda that laid the ground for the initiatives taken thereafter to address the many pressing issues confronting the continent. That all the objectives that were set were not achieved is an undeniable fact, but the progress that has been made since then cannot be overlooked. This is particularly true with regard to peace, security and governance, with the establishment of

continental architectures based on Africa's own norms, principles and institutions. And it is doubtful that those who were involved in the process that culminated with the adoption of the Declaration could have anticipated the impact it has had and the way in which it shaped subsequent policy and normative development on the continent.

In submitting his report to the policy organs in July 1990, Secretary-General Salim sought to advance a specifically African and strategic response to the challenges then confronting the continent. His approach rested on two complementary pillars: owning the analysis of the problems at hand and proposing context-specific solutions. The endorsement, by the policy organs, of the proposals contained in Salim's report while qualified, nonetheless provided him and the Secretariat with the political cover needed to take forward the agenda that had been outlined. Of particular significance was the fact that, in the course of the following years, the member states took greater ownership of both the processes and the substantive issues involved in policy and norms formulation. Both the CSSDCA process referred to above and efforts made in the context of the New Partnership for Africa's Development (NEPAD), in particular the Declaration on Democracy, Political, Economic and Corporate Governance of July 2002, are illustrative of that trend.¹¹⁰

In the last few years, the international environment has undergone a sea change. Hopes raised by the end of the Cold War of a more collaborative relationship between major powers have been shattered. The multilateral system in which Africa pledged to invest heavily in the early 1990s is facing one its most perilous moments, at

perceptions that others hold of the individual. For instance, it is critically important for the Secretary-General to be perceived as independent of control by any actor having a stake in the outcome of a conflict and able to control personal feelings of partiality on divisive issues." See B. David Meyers, *op. cit.*, 516-517.

109 Different authors have offered divergent periodization for the Pan-African Movement. In the words of Reiland Rabaka "Pan-Africanism (understood) simultaneously (as) an intellectual, cultural, social, political, economic and artistic project that calls for the unification and liberation of all people of African ancestry, both on the African continent and in the African diaspora ... is typically engaged utilizing a general periodization process: the Pan-African idea period, 1776–1900; the historic Pan-African Movement period, 1900–1958; and the current Pan-African Movement period, 1958 to the present." see: *On the Intellectual elasticity and political plurality of Pan-Africanism*, Routledge Handbook of Pan Africanism, *op. cit.*, page 8. A different perspective divides Pan-Africanism "into two distinct periods: (1) Pan-Africanism as ideal and utopia, as it emerged in the United States, the Caribbean and Europe—between 1900 and 1945; and (2) the African phase of Pan-Africanism (or "Homecoming") from the mid-1950s to the present, linked to the concept of African unity." see Guy Martin: *Pan-Africanism and African unity*, *Ibid*, page 527. A third approach distinguishes three phases: the first phase was embodied in the convening of the series of Pan-African Congress meetings, held early in the twentieth century, in the United States of America and the United Kingdom; the second phase found its expression in the OAU; and the third one came into being with the creation of the AU. See Tim Murithi: *The African Union and the Institutionalization of Pan-Africanism*, *Ibid*, 373-384.

110 Declaration AHG/235 (XXXVIII) adopted by the participating Heads of State and Government, held at the inaugural session of the AU Assembly.

a time when global threats, including climate change, arms race, deepening inequalities and infectious diseases, are crying for coordinated and collective action. International solidarity has waned, giving way to the pursuit of narrowly-defined national interests. On this last point, one cannot but be dismayed by the fierce competition that pitted countries, and even at times regions and states within the same polity, against each other in the procurement of the supplies needed to fight the coronavirus pandemic, providing an almost vivid illustration of the anarchic state of nature described by Thomas Hobbes.¹¹¹

The end of the Cold War saw Africa “stranded”¹¹² by big powers, which assumed that their models and priorities could simply be transferred to the continent or imposed on it. This had the virtue that Africans had no alternative but to look to themselves for solutions to their crises. The continent is instead now the theatre of heightened rivalry and competition among powerful and less powerful nations. This new situation no doubt offers opportunities for bargaining and increased agency for African countries in the pursuit of their interests, among which the mobilization of additional resources in furtherance of development. At the same time, it carries risks that can’t be underestimated, including further complicating Africa’s quest for peace and detracting the continent from articulating its own priorities and pursuing them.

Against this backdrop, and as Africa, like other parts of the world, ponders on how best to respond to the challenges at hand, it is vitally important for the continent to remind itself that solutions to African problems will be found in Africa. In other words, while courting international solidarity and cooperation and vigorously promoting multilateralism, including the irreplaceable role of the UN, Africa’s response in the years ahead must also “be inward-looking”, with a renewed determination to build the continent’s “inner strength”¹¹³, through the effective implementation of the many commitments made to advance integration, end conflicts once and for all, uphold the values of democracy, human rights and good governance, and promote inclusive and fair societies. In so doing, it is useful to

keep in mind the 1990 Declaration and the process that led to its adoption, as this holds important lessons for Africa in its current predicament.

111 Significantly, Africa stood in contrast to most of the rest of the world in that the continent articulated a collective approach to the COVID-19 pandemic whereas nationalistic policies carried the day elsewhere. See Antonia Witt, “An Island of Internationalism - The African Union’s Fight Against Corona”, PRIF BLOG, 7 April 2020.

112 Perlez, “After the Cold War - Views from Africa”, op. cit.

113 Report on Fundamental Changes, op. cit., paragraph 80.