North-South Centre

European Centre for Global Interdependence and Solidarity

HUMAN RIGHTS, DEMOCRATIC GOVERNANCE AND THE AFRICAN UNION

Cape Town,
(18 - 20 March 2003)

North-South Centre

EUROPE-AFRICA DIALOGUE
on
"Human Rights, Democratic Governance and the African Union"

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ACRONYMS

ACHPR – African Charter on Human and Peoples' Rights
ACP – Africa, Caribbean and Pacific
ACP-EU – Africa, Caribbean and Pacific and the European Union
ADF – African Development Forum
AEC – African Economic Community
APRM – African Peer Review Mechanism
AU – African Union
AUC – African Union Commission
AUCA – African Union Constitutive Act
AWEPA – European Parliamentarians for Africa
CCR – Centre for Conflict Resolution
CMC – Conflict Management Centre
CODESRIA – Council for the Development of Social Science Research in Africa
COSATU – Congress of South African Trade Unions
CSSDCA – Conference on Security, Stability, Development and Cooperation in Africa
EBRD – European Bank for Reconstruction and Development
ECA – Economic Commission for Africa
ECDPM – European Centre for Development Policy Management
ECOSOCC – Economic, Social and Cultural Council
EFF – Extended Fund Facility
ENIASA – European Network for Information and Action on Southern Africa
ESAF – Enhanced Structural Adjustment Facility
EU – European Union
FDI – Foreign Direct Investment
GDP – Gross Domestic Product
HIPC – Heavily Indebted Poor Countries
IMF – International Monetary Fund
NEPAD – New Partnership for Africa's Development
NSC – North-South Centre
OAU – Organization of African Unity
ODA – Official Development Assistance
OECD – Organisation for Economic Cooperation and Development

PAP – Pan-African Parliament
PrepCom – Preparatory Committee
PSC – Peace and Security Council
RECs – Regional Economic Communities
SADC – Southern African Development Community
SAF – Structural Adjustment Facility
SBA – Stand-by Agreements
TFP – Total Factor Productivity
UDHR – Universal Declaration of Human Rights
UN – United Nations
UNEP – United Nations Environment Programme
UNHCR – United Nations High Commissioner for Refugees
WTO – World Trade Organization

INTRODUCTION

Miguel Angel Martínez
Chairman of the Executive Council of the
North-South Centre of the Council of Europe,
Member of the European Parliament

Miguel Angel Martínez

"Europe-Africa dialogue on democratic governance and human rights: the involvement of parliamentarians and civil society in the construction of the African Union (AU)"

In April 2000, African and European Union (EU) heads of state met in Cairo and made the joint decision to set up a global framework for dialogue between the two continents. The action plan which was adopted in Cairo focuses mainly on eight topics of mutual interest: conflict prevention, human rights and good governance, debt, the restitution of cultural property, regional economic integration, the environment and drought, food security, and Aids and other pandemics. The coming into effect of the African Union at the Organization of African Unity (OAU) Summit in Lusaka in July 2002 and the establishment of the New Partnership for Africa's Development (NEPAD) by a number of relevant heads of state from African countries brought two major new dimensions to this dialogue.

The birth of the African Union was officially announced in Durban on 9 July 2002. According to its Constitutive Act, the Union is a "social and economic project aimed at creating a trans-African democratic space for promoting economic development and reflecting a common African identity".

The proclaimed goal of NEPAD is to promote Africa's development by bridging its countries with the industrialised ones of the Northern World. NEPAD is based on principles of African responsibility and leadership.

The role of a parliamentarian dimension and the participation of civil society at large in these two platforms are fundamental to their success. According to the Constitutive Act of the African Union, this involvement should be institutionalised through three bodies: the ECOSOCC (Economic, Social and Cultural Council), the African Court of Justice and the Pan-African Parliament.

The task of parliaments at this level is fundamental, as they are responsible for elaborating and introducing the legislation needed for integration and to ensure the necessary control over government policies, the allocation of credits and regional integration measures. The Constitutive Act provides for the construction of a Pan-African Parliament. What can be done to contribute to the emergence of this Parliament? What role could the Pan-African Parliament play in the promotion and reinforcement of human rights and democratic values and rules? How can other parliamentary instances contribute to the establishment and consolidation of such a Parliament? I have in mind basically existing regional or sub-regional parliamentary bodies, the Interparliamentary Union, or even the Parliamentary Assembly of the Council of Europe, the European Parliament or the Joint Parliamentary Assembly of Africa, Caribbean and Pacific and the European Union (ACP-EU).

Promoting regional dialogue on human rights is one of the North-South Centre's key missions. It was within this framework that the Centre organised, in partnership with the European Parliamentarians for Africa (AWEPA) and the Southern African Development Community (SADC) Parliamentary Forum, a Europe-Africa Forum for regional dialogue on *"Human rights, democratic governance and the African Union: the role of parliamentarians"* in Cape Town, South Africa, from 18 to 20 March 2003.

The goal of that meeting was to provide an open, pluralistic space for dialogue where representatives of parliaments, local authorities, governments and civil society at large from the two continents could exchange views and elaborate proposals on how to reinforce the role of parliaments and parliamentarians in the dialogue between Africa and Europe as well as on the building process of the African Union and NEPAD.

In addition to the participation of the President of the Council of Europe Parliamentary Assembly, Mr Peter Schieder and Mrs Frene Ginwala, Speaker of the South African Parliament, the Forum's work was further enhanced by the presence of several other European and

African personalities, including Mr Brendan Howlin, former Irish Minister of the Environment, Mr Samba Mboup, Ambassador of Senegal to South Africa, Bishop Denis Sengulane from Mozambique, Mr Pallo Jordan, former South African Minister of Information and Mr Ben Türok, Chairman of the Finance and Trade Committee of the South African Parliament.

Most of the forty participants in the Forum were parliamentarians from SADC member countries (South Africa, Zambia, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania and Zimbabwe). Leaders of national NGO platforms in the region and representatives of religious institutions, social movements (trade unions – COSATU) and university networks the Council for the Development of Social Science Research (CODESRIA) also took part in the proceedings at the Forum.

This publication, which includes keynote addresses, reflection papers and plenary discussions, wishes to offer a global view on the issues that were debated, and on a number of proposals that arose in the course of the different sessions of the Forum. It should give an idea of the views and concerns of parliamentarians and civil society leaders committed to the promotion of human rights and democratic values in the African Union building process. I hope that it will be a serious contribution for people who want to pay attention and contribute to the dialogue between Africa and Europe.

OPENING SESSION

Frene Ginwala
Speaker of the South African Parliament

Peter Schieder
President of the Parliamentary Assembly of the Council of Europe

Jos Lemmers
Executive Director of the North-South Centre

Frene Ginwala

"*Parliament, cornerstone of public participation*"

I want to thank the North-South Centre for undertaking this initiative in what is a very important process of establishing dialogue in order to broaden the partnership between the people of Europe and Africa. For many decades in this region of Africa, the word partnership evoked memories of the words of Seroilovenski, of what was then Southern Rhodesia, when he promoted the partnership of black and white and then went on to describe it as like that between a horse and a rider. Fortunately that is part of our history, but the neo-colonialist and paternal order sometimes lingered with us in the second half of the twentieth century, but hopefully not into the twenty-first century.

In welcoming this dialogue and partnership, it is more appropriate to claim and celebrate the solidarity and partnership between the people of South Africa, the people of this region and the African continent and the peoples of Europe that consolidated into the international anti-apartheid and anti-colonial struggle and that contributed so much to our own struggle for liberation and democracy. Dialogue is a two-way process based on shared values and mutual respect. It builds and strengthens all those involved. Today there is recognition that no people anywhere can expect to remain secure and isolated on islands of wealth amidst the raging seas of poverty and deprivation. Our dialogue and partnership must then acknowledge the need for action not only in Africa but also in Europe, in our own institutions as well as in international ones, in domestic arrangements and in multilateral ones.

Globalisation (we may well see evidence of the worst aspects of globalisation in the next few days, unfortunately) poses challenges to democratic governance in all countries, not only in Africa. Regrettably in the 19th and particularly in the 20th century, the management of response to globalisation has been determined and shipped by the developed countries of the North whose priorities, agendas and ideologies have not necessarily coincided with the needs and values of the developing countries of the South. The result has been a reduction

in the capacity of all states to control economic power, thus raising particular challenges for developing countries. While the number of wars between countries appears to have decreased considerably, at the same time several conflicts both in Europe and in Africa have become more damaging than before.

In the 1990s alone, 3.6 million people died in wars within states and the number of refugees and internally displaced persons increased by 50%. The link between democracy and development is now well established and I do not intend to dwell on it. The challenge is how we ensure good governance and pursue development that will improve the condition of our people, while also managing globalisation. The 2002 Human Development Report shows substantial progress of the last decades in the level of human development in some countries. But more revealing, and perhaps more relevant, is the growing inequality of the 173 countries reported on.

The 24 countries ranking last in terms of human development are all in Sub-Saharan Africa. Today global poverty and inequality are the main impediments to sustainable development. Unsustainable patterns of exclusion coupled with poverty and underdevelopment make matters worse. If the world continues along its current trajectory, the combined threats of ill health and disease, conflicts over natural resources, migration, underdevelopment, environmental degradation, and poverty will undermine prospects for prosperity and political and social stability. Sustainable development implies reversing the trend of the marginalisation of developing countries from the benefits of the globalising world economy. Many countries, particularly those in Africa, are excluded from increasing global flows of trade, investment, finance and technology. As a result, there is growing inequality, poverty and social dislocation between and within countries. The NEPAD founding document declares that across the continent, Africans will no longer allow themselves to be conditioned by circumstance. The question is how do we actualise this? How do we avoid becoming the victims of circumstance? And I would submit that parliaments and peoples need to be more actively engaged in the processes that are now unfolding. I will focus my comments primarily on those.

Civil society now functions globally and parliaments can do so also, using the variety of international forums to exchange information, debate and build coalitions that will tilt the balance in favour of the people. The pressure for the democratisation of international institutions and economic and trade systems would be strengthened immeasurably by the proactive involvement of informed parliaments and parliamentarians acting nationally and internationally. There is nothing to stop parliaments debating reports, whether they come from the World Bank, the International Monetary Fund (IMF), or any national or international institutions. Nor in discussing decisions of multilateral institutions, exposing them to public scrutiny and debate and thereby drawing attention to problems and difficulties.

In Africa we often talk about the need for market access and halt barriers towards agricultural exports. If I may be provocative, and partly in jest, but I would not object if people took up the proposal I am putting forward, imagine the impact if on 25th May, which is Africa Unity day, every parliament on this continent and in Europe debated the common agricultural policy of the EU and the damage it is doing to this continent. Public opinion is important and parliaments are one of the best agents for mobilizing it. This dialogue raises very important issues for our continent; it should serve to inform Africans and Europeans of what has sometimes been seen as abstract and complex legal instruments rather than as tools for development and progress.

Unfortunately, on the African continent the formation of the AU and of NEPAD has not seen much involvement by national parliaments. The protocol for the establishment of the Pan-African Parliament has been ratified by less than a dozen countries and therefore the Pan-African Parliament cannot yet be established. Yet that parliament, as well as national parliaments, should be engaged in the process of establishing the organs of the AU, feeding their views into the decision-making 70 structures. The particular forces they will bring into the process can only strengthen the outcome and eventually strengthen the AU.

Parliaments, and here I also include the Pan-African Parliament as one of those organs, in Africa and in most countries, are seen simply as

making laws and holding the executive to account. I would submit that this is an outdated concept. As the institutions representing the people, it is necessary for parliaments and members of parliament to be more actively involved in development rather than to conduct post mortems on the failures or omissions of the executive. This requires that we do not simply reproduce institutions but rather re-conceptualise them for our needs. We cannot ignore the traditional functions of law making; we need to do much more.

Parliaments need to see themselves as both the custodians and promoters of democratic values and assume responsibility for nation building and for consolidating democracy. They provide the interface between the executive and civil society for the interaction of the executive on an ongoing basis. Equally, and on the same basis, they must interact with civil society and be informed by it. You can appreciate the challenge this will pose for the Pan-African Parliament, involving interaction with the global African civil society.

Flowing from this come additional jobs and functions for parliaments. We need to be involved in the national project of nation building, and that includes conflict resolution, peace building and reconciliation. Legislative structures inherited in most postcolonial societies were characterised by a "winner takes all culture", regardless of the electoral systems on which they were based. We need to consider whether the needs of the majority can be met and the role of the opposition in its competition for power in Africa needs to be more than just limited to being the watchdogs and holding the executive to account. What is being submitted is a model that engages the entire institution in agreed national goals without in any way diminishing the function or rights of the opposition. Rather it allocates an additional responsibility to both the majority and the opposition and that is to further the national project of nation building. To facilitate this, of course, a range of other measures will be necessary and they will have to be determined by particular societies.

How do you develop those national goals? Bridging divides of past conflict as well as of a thirst for power and sharing the fruits of

democracy. Parliaments need to function to provide the appropriate legislative framework for agreed policies and objectives in conformity with the national constitution. If the population is expected to respect institutions of governance, then democracy must be seen to be more than a periodic event and citizens must be involved in more than just casting their vote every few years.

This requires public participation in policy making as well as the law making process. The first is the prerogative of the political parties but the involvement of the public in the legislative process is crucial in order to ensure that real needs and problems are addressed rather than academic and bureaucratic perceptions of what the people want and what the people need. Therefore, communities and civil society organisations must be able to come to legislatures to articulate the need and communicate their views on policies as well as on legislation. There are a few technical obstacles to providing for public participation but technological advances allow for a lot of resources to be allocated to this at a technical level. What is required, however, are the political will and the financial resources which few parliaments in Africa have and which will have to be addressed as a matter of priority for the Pan-African Parliament as well.

I want to acknowledge here, the generous support programmes initiated by the EU for legislators in South Africa and also those by national governments in Europe and by parliaments. I would like to urge them to extend these to provide direct assistance to legislatures across the continent to build capacity. While African legislators need to ensure that there is no dependence on foreign donors or limitations on their functioning, because ultimately legislatures must be funded by the public purse in every country so the resources we may receive now would be geared towards capacity building and to create independence and mobilise support for public resources to be allocated to legislatures. Legislatures need to build this capacity among members and through the institutional, technical and research support provided to ensure that all bills tabled conform to their constitution and that they do not erode or violate human rights. Very often we see that there are constitutions which spell out human rights but legislation as it is enacted erodes

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them, taking away rights, almost subconsciously and sometimes, of course, overtly. But to do so it becomes necessary for there to be mechanisms within the legislatures that constantly monitor all new legislation.

It is also essential that legislatures are engaged in consolidating democracy through public education programmes which impart knowledge but also raise awareness and promote vigilance to defend democracy and counter efforts to curb human rights.

Parliaments always need to ensure that security forces are under civilian control and mechanisms need to be established in order to monitor their activities. For example, in South Africa and in some African countries the executive is required to report to parliament any deployment of military security forces within the country, within a certain period. Other mechanisms could be brought into being elsewhere. The political head of security must always account for the activities of the security forces before the legislature. This is extremely important; it is something the Pan-African Parliament will have to look at because it is not enough for the peace and security protocol to provide for intervention unless that intervention is always reported on and accounted for both within the Pan-African Parliament and within national legislatures. And here I just want to add my appreciation that within the documentation, they are not in the agenda, there is reference to the Peace and Security Council Protocol. This protocol is currently being ratified but if we look at it, it does put forward a total concept of human security which is innovative, and which I believe taken onto the African continent and internationally will add immeasurably to the development of consciousness and human rights across the globe.

Parliaments must introduce an institutional mechanism for proper scrutiny of the functioning of the executive. It is often assumed, particularly by opposition parties, that the executive is accountable to the opposition alone, but that is a false assumption. The executive is accountable to the entire parliament including the majority party. The challenge here is to enable and encourage members of that party to hold the executive accountable because too often they are deterred from

doing so. It is parliament's responsibility to provide the mechanisms for doing this while acknowledging and recognizing that each political party will perform and conduct itself according to its own policies. An important mechanism is the implementation of a committee system, which enables detailed scrutiny of legislation, of policy, of executive and departmental actions and then reports to the legislators for decision-making. The Pan-African Protocol also provides for a mixed provision for the establishment of various committees. Which ones these will be, will have to be determined when the parliament is put in place.

Parliaments need to take the lead in fighting corruption, starting off by initiating codes that require the declaration of assets of all public representatives, including members of the executive, as well as the declaration of all gifts, benefits and sponsorships. Public exposure of corruption would have a deterrent effect and bring support for legislative action. This should cover the private sector as well as taking into account the fact that bribery is a transaction between two parties, not just the receiver of the bribe but also the giver, and we need to make sure that we are in part able to take legal action against both the giver and the receiver, in other words both parties to a transaction. And here again there is a need for a partnership between Europe and Africa, because it is only in recent, very, very recent days that European governments have actually enacted legislation that criminalises the giving of bribes to people outside their borders. A decade ago it was accepted as tax-deductible business, that you could deduct taxes for giving bribes. I am glad to say the Organisation for Economic Cooperation and Development (OECD) has moved, though there are still some countries in Europe where this activity is not criminalised. This is a new area for partnership that we need to look at.

Finally, I hope this dialogue will continue and will go beyond the items that have been listed here, important as they are, and that we will begin to look at other issues relevant to both Europe and Africa such as racism, migration the brain drain, market access, reform of the international trade regime, international political institutions such as the United Nations (UN) system and Security Council and international

financial institutions. I know Mr Türok is here and I am sure he will pick up on those in the debate as will a number of other friends whom I see here. Ultimately, I believe we need to recognise that a strong AU can provide this continent with the best opportunity to engage and help to tilt the balance of the globalisation processes in favour of the people of this continent as well as the poor everywhere, in Europe, as well as in Africa. This is the opportunity that comes to all of us combined with the challenge posed by globalisation and I hope it is on that basis that we build a sound partnership between our peoples which will enable us to overcome the current problems, just as the partnership between our peoples helped us to overcome problems in the struggle against colonialism and the struggle against apartheid in the last century. It is a challenge, which is posed for both our peoples in the 21st century. I thank you all for this opportunity to speak to you today.

Peter Schieder

"Strengthening cooperation and partnership"

Your Excellencies, Ladies and Gentlemen,

Please let me first express my great pleasure to be here, in Cape Town and in South Africa, a land that has known one of the deepest and spectacular democratic changes in the last 20 years, a land which has shown to the rest of the world that even the most difficult conflicts can be resolved by words, and not by arms, a land, in which two important and promising initiatives have emerged in the two last years, the "New Partnership for Africa's Development", known as NEPAD, and the African Union.

It is therefore a privilege for me to be part of this fundamental Europe-Africa dialogue process, to listen to your experiences and to contribute by bringing in my own views. Our dialogue aims to establish a relation between Europe and Africa, founded on mutual knowledge, understanding and respect, on partnership and fairness, and, with a strong and innovative political dimension. Our dialogue is based on the solid grounds of human rights, the rule of law and democracy. We share these values but also know that they are constantly challenged, day by day, in Africa and in Europe.

Geography alone does not guarantee that these values are translated into practice. They have to be actively protected and strengthened. They are not just trivial activities; they are the purpose of our existence, in the Council of Europe as in the emerging African Union, in the Parliamentary Assembly as in the future Pan-African Parliament.

Throughout the past half century, the Council of Europe has established itself as our continent's foremost authority when it comes to human rights, democracy and the rule of law. This would not have been possible without its Court, which enforces the legally binding European Convention for the Protection of Human Rights and Fundamental Freedoms, and its Parliamentary Assembly, as a generator of new ideas

and guarantor of transparency and democratic accountability in the work of the organisation as a whole. Though we grew from the same roots as the European Union, our membership is now much larger − today, we are a gathering of forty-four European democracies.

Those who seek to strengthen pan-African cooperation in the field of good governance and human rights – an endeavour which I wholeheartedly support – should certainly look to our experience for inspiration. I am not suggesting that one should copy our model, as an African mechanism should reflect Africa's own historic experience and political, social and economic realities, but the values that should be at the heart of any such initiative are universal, and they apply to our European societies as well as to those on the African continent.

If our African colleagues decide to embark upon this path, the Assembly stands ready to offer assistance and advice. You are the only ones who can decide what kind of institutions would best serve the interests of Africa and its people, but we would be honoured if you could, in taking and implementing these decisions, benefit from our experience.

The importance of an international court in the application of international treaties concerning human rights is self-evident – without an enforcing mechanism even a legally binding international convention may remain a dead letter. But what about an international parliamentary assembly? What does it do and what is it good for? After all, it does not have legislative powers and its decisions, except in some cases, are not legally binding and do not have a direct legal effect.

The first answer to these questions is very simple. Decisions at international level have become far too important to be left to governments alone. If the principle of the separation of powers is widely accepted in the entire democratic world at *national* level, it is no less important to apply it at *international* level when the decisions taken have a direct, immediate and tangible effect on the lives of our citizens. How does the Parliamentary Assembly of the Council of Europe fulfil this important role and what useful lesson could our African colleagues

draw from our experience? Allow me to repeat the message which I recently delivered in another part of the globe, in Japan, because I believe that, in essence, the basis for international cooperation in the field of human rights, democracy and the rule of law should be the same in Europe, Asia, Africa or anywhere else in the world.

The Parliamentary Assembly of the Council of Europe was created in 1949, as the first international parliamentary body in the world. The statutory prerogatives of our Assembly give it the power to influence decisions, which goes far beyond what is common in other international intergovernmental bodies, including the United Nations.

It is true that in many cases, national parliaments do get a final say, but more often than not it is merely to rubber stamp decisions that have already been taken, to approve a *fait accompli*.

In the case of the Council of Europe, the situation is different. Admittedly, our organisation is not involved in matters of war, but its work to consolidate democracy, protect human rights and promote respect for the rule of law and human rights has played an essential role in preserving peace and stability in Europe for the past five decades.

The Council of Europe is an intergovernmental organisation, and works through treaties and international conventions. Before entering into force, each of these conventions must be ratified in the national parliament of the contracting party. However, unlike most other cases, in the Council of Europe this is not the first time parliamentarians have been given an opportunity to have a say on the issue.

In fact, many of the key legal instruments drawn up by the Council of Europe − including the most important one, the European Convention for the Protection of Human Rights and Fundamental Freedoms – are a result of Parliamentary Assembly recommendations.

The huge impact, which the Assembly has had on the work of the Council of Europe, shows that its influence goes well beyond the epitaph "consultative" which was given to it in 1949 on the insistence of those wishing to give parliamentarians a subordinate role in the running of the organisation. Years later, when it became clear that the Assembly was neither willing nor expected to play second fiddle, the word "consultative" was replaced by "parliamentary".

The involvement of the Assembly in the drafting of the conventions does not stop with a recommendation. When the texts have been written by the experts, and before they are adopted by the Committee of Ministers and thus opened for signature by governments, the drafts are sent to the Parliamentary Assembly for an opinion. This has been done systematically for all conventions since 1999.

Moreover, the Assembly is the body that elects the Secretary General of the Council of Europe, the Judges of the European Court of Human Rights and the Commissioner for Human Rights. It adopts recommendations to which the Committee of Ministers is obliged to reply. In accordance with the Statute of the Organisation, the Chairman of the Committee of Ministers reports to the Assembly on the occasion of each part-session, and also answers questions from the floor.

Again, compared to parliamentary powers at a national level, this may not seem much, but seen in the context of international organisations it is unprecedented, with the possible exception of the European Parliament. However, we should bear in mind that the European Parliament is a completely different "species", as the European Union is not an international but a supranational institution.

Another important aspect is the influence an international assembly exerts outside the organisation of which it is a part, either in the member states or at a regional and global level. The term coined in our Assembly is "parliamentary diplomacy".

Its purpose is to use parliamentary contacts and procedures with a view to resolving problems and achieving progress in cases where

governments have difficulties in doing so, or to exert pressure on governments when they are unwilling to act or they act in a way that the Assembly considers inappropriate or wrong.

The means of conducting parliamentary diplomacy are numerous. The Assembly has several formal procedures that it can use to this effect, for example through its examination of future requests to join the Council of Europe, through election observation or through the monitoring procedure which was set up to verify if member countries keep their promises, and help them to do so.

For centuries, international affairs were a domain reserved for governments. International institutions as we know them today are an invention of the second half of the last century. During this period, democracy became the dominant, if not yet exclusive, political doctrine in the world.

But what is almost standard practice in the functioning of the majority of our governments internally is not necessarily applied when it comes to their international activities, and the functioning of the international institutions that they created and which they control.

International institutions, or even more or less informal groups of governments, are taking decisions, which have far-reaching consequences for the people who have elected us. Money is being spent, troops are being deployed, the lives of our citizens are being affected in a significant way, without giving those very citizens an opportunity to have a say in the process.

The present situation concerning Iraq is perhaps the most dramatic, but not the only example illustrating the absurdity of the situation in which decisions concerning us all are taken by very few, against the clear opinion of the majority of the people on this planet.

I am not challenging the role of governments in taking the lead in international affairs and in conducting diplomatic activities – often

there is a need for swiftness and resolve − but I do believe that there is a need for more transparency and accountability in the process.

Something must be done to change this. The alternative is an ever-growing gap between the public and the international institutions, which, thereby alienated and discredited, are doomed to fail in carrying out their tasks, which are crucial to world stability and to the welfare of our citizens.

If African states decide to strengthen their cooperation in the field of good governance and human rights, a Pan-African Parliamentary Assembly should play an important role. It would provide an additional guarantee that future mechanisms will be open, transparent and close to their citizens. By necessity, elected parliamentarians are much better than non-elected officials at gauging the true heartbeat of the people.

An African parliamentary assembly would also serve another, equally important purpose. It would give the people of Africa a voice in the world, a clear, strong and legitimate voice to speak on matters that concern us all − global stability, economic development and aid, the fight against poverty and AIDS.

It would give Africa a voice that could not, and would not, be ignored.

Jos Lemmers

"A new Europe-Africa dialogue based on equality, partnership, sense of common interest and common values"

Madam speaker Ginwala, Mr Schieder, president of the Parliamentary Assembly of the Council of Europe, Mr Samba Mboup, Ambassador of Senegal, Bishop Sengulane, distinguished delegates,

The establishment of the African Union and the launching of NEPAD have raised considerable hopes and expectations both within and outside Africa. The two initiatives' objectives are to bring about peace, stability, security, eradication of poverty, development of human resources, economic revival, democracy, good governance and human rights. The launching of AU and the adoption of NEPAD is a significant development in the advancement of Africa's course and has brought about fundamental changes in Africa's political and economic landscape. Yet, there remain a number of challenges and issues to be addressed in order to build an effective African Union and ensure the success of NEPAD. Some of these challenges are related to issues concerning resources, common values, an enabling environment (human rights protection, democratic governance, conflict prevention) and popular participation. The involvement of citizens is very critical for the sustainability and successful implementation of NEPAD and the development of AU.

Whilst NEPAD and the African Union are initiatives and products of Africans, the involvement of other countries like European countries is crucial in the success of these two initiatives.

By initiating this Forum in collaboration with AWEPA and the SADC Parliamentary Forum, the main objective of the North-South Centre is to facilitate and stimulate "ownership" of Africa-Europe relations, African Union and NEPAD also by parliamentarians and civil societies. This Forum is a part of four Forums that will be organised successively in Cape Town, Cotonou, Algiers and Lisbon to achieve these aims. The

four Forums will be fully integrated and built on each other. Actions and implementation strategies will be identified and suggested by participants at the end of each Forum.

We hope that this is the first common step of a long common walk towards a new Europe-Africa dialogue based on equality, partnership, a sense of common interests and common values.

ORIENTATION SPEECHES

Ben Türok
South Africa Member of Parliament

Samba Mbouri Mboup
Ambassador of Senegal to
South Africa

Ben Türok
South Africa Member of Parliament

"Europe-Africa Dialogue on Human Rights, Democratic Governance and the African Union"

The successful political transition from apartheid to democracy in South Africa demonstrates the importance of the clear articulation of human and peoples' rights as the foundation for transition. However, the establishment of civil and political rights is not enough, as this leads to illusions about the exercise of power. In reality, social change requires a holistic understanding of all the levers of power, including the juridical, economic, and social, for change to be realised. Furthermore, fundamental transformation requires a developmental approach.

Throughout Africa, the struggle for independence has been focused on gaining political power. Though this was necessary, it was not sufficient for the achievement of human and peoples' rights in the full sense of those terms. This experience should alert us to the limitations of a narrow civil and political human rights approach to Africa's advancement.

A narrow approach to human rights, which focuses only on civil and political rights, is also inadequate for the advancement of dialogue between Europe and Africa, as asymmetrical economic relations undermine equality between them. Furthermore, a broad approach provides grounds for a convergence of interests.

The United Nations tradition on human rights

The source of the consideration of human rights is the UN Universal Declaration on Human Rights of 1948. This document stated that "the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." It also noted that "All human beings are born free and equal in

dignity and rights." And, "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised."

That is our benchmark for this conference, and it poses serious challenges for our discussions. We have to take into account that every assessment of the world order today would have to state that, for the bulk of humanity, those principles have yet to be realised. Indeed, in a polarising world, conditions are deteriorating in many areas rather than meeting the principles above.

The Declaration was enriched in 1966 by the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly, which, however, has not won universal acceptance. The Covenant states, "The ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights."

The caveat about non-realisation of the Declaration applies even more to the Covenant, especially in Africa where socio-economic rights are barely recognised, even where political rights are actually observed.

In 1986, the UN General Assembly adopted the Declaration on the Right to Development and this was followed by a Global Consultation in 1990, which deepened the debate considerably.

Among the issues raised was the acceptance of the Right to Development as an inalienable human right which aimed at the constant improvement of the well-being of the entire population and of all individuals, which goes beyond continuous increases in the leading economic indicators, and requires access to the necessary resources. It also asserts that all the aspects of the right to development are indivisible and interdependent and include civil, political, economic, social and cultural rights. The resulting document stated that the criteria for the right to development were: "conditions of life, conditions of work, equality of access to resources, and participation."

These problems were examined carefully in the drafting of The Bill of Rights in the South African Constitution, said to be the most advanced in the world. In accordance with the UN Declaration it "affirms the democratic values of human dignity, equality and freedom". But it also links up with the Covenant with respect to various socio-economic rights, such as housing, health care, and education, though these are subject to limitation clauses "within available resources" and achieving the progressive realisation", which follow the wording in Article 2 in the UN Covenant. Very important are the Basic Values and Principles governing public administration, which must be "development-oriented", "participatory", "accountable", and "transparent[1]".

It has to be acknowledged that the implementation of the socio-economic clauses has placed a burden on government, which was anticipated, but which is nevertheless difficult to resolve, especially as the Constitutional Court has now ruled in support of the clauses.

To its credit, the Council of Europe produced the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1953 which guarantees basic civil and political rights, and the European Social Charter (1961) and subsequent protocols, which set out in great detail a large range of socio-economic rights, such as the right to employment, freedom of association at work, protection of children, welfare and so on. In addition, the European Committee for Social Cohesion adopted a report in 2002 on the problem of access to social rights in order to strengthen social cohesion as "an essential complement to the promotion of human rights and dignity".

There remains considerable resistance to many of these objectives, as governments grapple with their fiscal constraints, and, perhaps even more, the socio-political consequences of implementing some of these far-reaching changes. Yet, there is clearly a growing recognition of the legitimacy of political and socio-economic rights throughout the world.

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[1] Chapter 10.

Human Rights in the African Union

The Constitutive Act of the African Union includes in its principles and objectives the necessity for political and socio-economic integration across the continent as well as the promotion of sustainable development at the economic, social and cultural levels. These principles are further developed in the New Partnership for Africa's Development (NEPAD) which sets out the broad terrain for the socio-economic development of the continent and in particular to bring to an end "the scourge of underdevelopment".

Mention should also be made of an important conference convened by Professor Adebayo Adedeji, UN Under-Secretary-General and Executive Secretary of the Economic Commission for Africa, and attended by African people's organisations, African governments, non-governmental organisations and UN Agencies, in Arusha in 1990 which adopted the African Charter for Popular Participation in Development and Transformation. The conference noted that the crisis in Africa "is not only economic, but also a human, legal, political and social crisis." This view therefore endorsed the policy positions taken by the UN system that political rights and socio-economic and cultural rights are indivisible and interdependent.

The tradition that human rights are not only political has been well established by the UNDP. "Human rights and human development share a common vision and a common purpose – to secure the freedom, well-being and dignity of all people everywhere[1]." The document goes on to list the international advances in overcoming colonial rule, in overcoming many diseases, in the enhancement of human capabilities, and, importantly, in gaining international recognition of the importance of legislating in these matters.

Indeed, there is now a universal acceptance that poverty is the result of economic, political and social processes that interact with each other and frequently reinforce each other. These considerations are important

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[1] UNDP Human Development Report, 2000.

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in order to grasp the nature of the challenges facing Africa. The establishment of the African Union is in the first place a political act. It is a union of states, represented by governments. It is not necessarily a union of the peoples of Africa, since many of our governments are not representative or democratic, and their policies are not necessarily derived from the people's will, nor always directed to the development of their peoples. Nevertheless the foundation principles are in line with the best international conceptions.

The Europe-Africa Dialogue – Universal values but diverging interests

In her celebrated but long forgotten book *The Barrel of a Gun*, Ruth First argued that independence was handed to "selected heirs" to ensure the continuation of colonial power relations. Others wrote of neo-colonialism as the expression of economic exploitation of Africa's economic resources while ceding political power. Indeed, there are many jokes about the job of President being relegated to an African while the economy continued to benefit people of other racial origins who held real power.

But even if this view of independence is one sided, the reality is that Africa is in the grip of asymmetrical economic relations based on unequal exchange, subsidies and protectionism, and a lack of voice in the global institutions which determine how the global economy works.

Yet, the dialogue between Africa and Europe is often carried out by people who espouse the culture and values of human rights as set out in the opening section of this paper. No one would dare to say openly that Europe has a right to extract primary resources from Africa at low prices, or that Europe has a right to increase the prices of its own exports such as cars and machinery at inflated prices. Nor would anyone overtly defend the higher standards of living in Europe compared to Africa as a matter of principle. Yet, the real relations between Europe and Africa are based precisely on this inequality. As a very simple illustration we have only to compare the monetary return to a Kenyan peasant for his coffee beans with the price of a cup of coffee

in Europe to realise the scale of inequity in the system. Often, the inequity comes not only in the profit-seeking of commercial interests, but in the inflated duties imposed by governments which cream off the bulk of the cost of a consumption good in Europe.

In the new conditions of trade in the period of globalisation why is it that the South is pressured to reduce tariffs, our only weapon against unfair competition, while the North reserves for itself a variety of powers such as tariffs, subsidies, technical requirements, etc.? Even in the so-called friendly economic relations between the US and Mexico, technical conditions imposed by US States are a major obstacle to Mexican imports.

Is it surprising therefore that the average income in the richest 20 countries is 37 times the average in the poorest 20 – a gap that has doubled in the past 40 years. Also, that in a world of 6 billion people almost half live on less than $2 a day, while Sub-Saharan infant mortality rates are 15 times higher than those in high-income countries[1].

So, on what basis can we establish fair and sound Europe-Africa relations? Clearly the conditions and terms of trade are fundamental. Many papers have shown that relations based on aid flows may be seriously flawed. There is no need to go into the allegations that aid sometimes serves to create commercial benefits and job opportunities in the donor country as much as in the beneficiary country. Or, that aid distorts the development process in the beneficiary country, or that aid gives undue influence in the political system. In the end, Africa continues to seek aid and to deplore the falling levels of aid.

Perhaps the World Bank got it right when it said, "Aid should be delivered in ways that ensure greater ownership by recipient countries, and it should go increasingly to country-driven, results-oriented poverty reduction programmes, developed with the effective engagement of civil society and private sector agents." It added, "poor people and poor

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[1] Overview of World Development Report 2000/1, World Bank, p. 3.

countries should have greater voice in international forums, to ensure that international priorities, agreements, and standards – such as in trade and intellectual property rights – reflect their needs and interests[1]." The report also states that "poverty is more than inadequate income or human development – it is also vulnerability and lack of voice, power, and representation." However, given the global power relations in the real world, these sentiments are far from realisation.

More realistic is Joseph Stiglitz's view of aid, which is that foreign assistance requires a three-way partnership among recipient countries, aid agencies, and donor countries. He argues that citizens of donor countries must continue to support aid, which is, however, at its lowest level ever[2].

The OAU noted in 1994 that there had been a dramatic collapse of Africa's exports in both volume and prices in the 1980s. Export earnings plummeted, and recurrent balance of payments crises accompanied the external debt, which reached $282 billion and a debt service burden of $26 billion in 1992. Open unemployment rose from 7.7% in 1978 to 22.8% in 1990[3].

UNCTAD tells us that "efforts to integrate sub-Saharan Africa into the global financial system and to attract private flows through a rapid liberalisation of the capital account have resulted not in increased inflows of such capital, but in greater volatility[4]." Elsewhere UNCTAD states "The levels of terms of trade at the end of the 1990s for sub-Saharan Africa were 21% below those attained in the early 1970s. And, "in the past two decades sub-Saharan Africa has not received any net transfer of real resources from the rest of the world[5]." The adverse asymmetrical terms of trade are worsened by the protectionism in the OECD countries, where "total transfers by consumers and budgets to

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[1] WDR 2000/1, p. 12.
[2] Assessing Aid, World Bank, 1998.
[3] African Common Position on Human and Social Development in Africa, OAU, 20 January 1994.
[4] Capital Flows and Growth in Africa, UNCTAD, 2000, p. 2.
[5] Economic Development in Africa, UNCTAD 2001, p. 36.

agriculture and highly protected industries were estimated at \$470 billion in 1997… Total subsidies amount to more than half of developed country imports from developing countries and 10 times their concessional official development assistance (ODA)[1]."

Important as these economic considerations are, there is nevertheless a strong case for dialogue to continue at the political level, especially among parliamentarians. This dialogue is necessary for the constant reiteration of the fundamental principles set out in the UN documents, it is also necessary to alert our peoples to the ongoing drain of resources from South to North. For instance, there is a persisting haemorrhage of doctors and nurses from South Africa to the United Kingdom, which damages our health services. Lawyers are also attracted overseas and the corporate lawyers who come in are busy assisting business to take money out rather than building our own capacities. Also various fly-by-night educational institutions, and even some respectable universities, are setting up campuses here, which provide inferior education for profit.

These matters lie within the powers of politicians and require the attention of Parliamentarians since they affect the relations between our countries.

We also need joint Europe-Africa working groups to examine the current roles of the Bretton Woods institutions and the World Trade Organization (WTO). Our material short-term interests will often diverge here, but there are more fundamental and long-term issues where a convergence of views as well as of interests is certainly possible. For instance, we badly need frank debate on the question of immigration policy.

We need joint work to democratise the UN system and make it more representative of the will of the people of the world as has been sharply demonstrated by the behaviour of the United States of America in the Iraq crisis.

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[1] P. 43.

We need opportunities for civil society formations in Africa to dialogue with partners in Europe on an equal basis and with mutual accountability and transparency, especially between donors and recipients.

Above all, we need to ensure that the agreements we reach in these dialogues at the political level, are not undermined thereafter by officials who use technical arguments to write in provisions that run totally counter to the spirit of the principles agreed to at the political level. Our experience of negotiations with the EU and in the Doha round is precisely of that nature.

How can a rights culture be realised in Africa?

President Nyerere once complained that governments in Africa could stop things happening but could not start things. This was because they had no control over their economies, which were still in the grip of the former colonial powers. To overcome this difficulty, governments nationalised the commanding heights of their economies, including the banks, mines and large industries. Yet, in most cases, this did not lead to sustained development, and, often led to deterioration. Clearly there are major structural reasons for Africa's continuing economic decline. If an Africa-Europe dialogue will examine these issues then it is certainly worthwhile.

But equally important is the notion of Africa looking within, for its own salvation. The 1980 Lagos Plan of Action advocated "collective self-reliance" as the main principle to be followed. Adedeji continues to pursue this approach. In a recent paper he argued, "Democracy is more fundamental than political pluralism, the ballot and the competitive struggle for the peoples' vote… and must encompass the democratisation of the development process… and economically empowers the people. The democratic culture cannot even begin to take root in a Pharisee society of self-interest where the rich and the

powerful are getting richer and more powerful and the poor and the powerless are becoming poorer and marginalised[1]."

Confronting the conduct of the elite is not only a matter of good governance; it is also a matter of the realisation of the whole spectrum of rights identified in the UN system. Even the World Bank has acknowledged that there is little evidence that the middle classes in Africa are supporting anti-poverty measures, and notes instead the tendency towards the "elite capture of benefits[2]." It is now well documented that the general decline in average income per capita for sub-Saharan Africa is exacerbated by the fact of greater inequality between rich and poor, so that the poor suffer even more.

It is here that the Pan-African Parliament and Africa's proposed ECOSOCC can play a vital role. There is a caveat, however, that both these institutions should avoid a purely legalistic, constitutional approach to rights, if they are to play a meaningful role.

If the peoples of Africa are to take these bodies seriously, their work must be seen to be relevant to the daily concerns of the person in the street and in the villages. Otherwise, given the high degree of alienation from government across the continent, coupled with massive illiteracy and ignorance about government, the Pan-African Parliament (PAP) and ECOSOCC will be seen as yet another manifestation of "bread and circuses". (See appendix on next page).

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[1] Keynote Address, Experts meeting, African Peer Review Mechanism, Cape Town 2002.
[2] African Poverty, World Bank 2001, p. xix.

Appendix

The Harsh Face of Poverty in Sub-Saharan Africa
Total population in 1995 – 580 million:
- 291 million average income below $1 a day
- 124 million of those aged below 39 could die before 40.
- 43 million children stunted by malnutrition
- 205 million without access to health services
- 249 million without safe drinking water
- 2 million children die in first year
- 139 million illiterate

World Bank, Human Development Report, 1998.

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Samba Mbouri Mboup
Ambassador of Senegal to South Africa

"Promotion and Protection of Human Rights and Peoples' Rights in Africa in the Context of the African Union and the Europe-Africa Dialogue: Fundamental Questions and Practical Challenges"[1]

Conceptual frameworks and background of the African Human Rights Approach and System: general picture

General historical background

Considered from a global perspective, the preservation and promotion of human rights implies, beyond the specific institutions, mechanisms and principles explicitly put in place for such a purpose, the existence of a democratic State governed by the rule of law and wishful to guarantee political stability, peace and security, social, economic and cultural rights, and general well-being for all its citizens.

Now, if we look at the issue of human rights from the point of view of its recorded versions in Western historiography and literature, two landmarks are generally recalled: the French 1789 Universal Declaration of Human and Citizens' Rights and the 1948 Universal Declaration of Human Rights (UDHR), sponsored by the newly established UN System. At this point, it is worth noting that the primary objective for the creation of the UN System was the preservation of peace and security in the world, after two devastating wars, which threatened in many ways the very founding principles and values, as well as some of the major institutions of world civilisation and order. Only thereafter did the objectives pursued by the UN System tend to be extended to other issues and areas of concern such as human rights development, decolonisation, protection of minorities, etc.

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[1] This paper sometimes expresses the views of his author only as an African scholar.

Besides, according to human rights specialists, there also seems to be an ideological North-South divide in terms of approaches; the dominant tendency being to put more emphasis on political and civil rights in the "North", at the expense of other rights such as economic, social and cultural rights. Hence the establishment in 1966 of the two Covenants. The first one on political and civil rights and the other one on economic, social and cultural rights, and the artificial hierarchy established among three "generations" of human rights, although the UN UDHR addresses the issue of human rights from a holistic, structural approach (Art. 25).

In that context, the emphasis put in the 1993 Vienna Declaration and Programme of Action on the universality, interdependence and indivisibility of human rights, and the explicit linkage between the notions of human rights, democracy and development, could be understood as an attempt to correct such an artificial distinction between human rights, and to come to terms with the more holistic approach as presented above. To what extent are those conceptual distinctions relevant in themselves? This could be one of the topics open for debate by participants in this conference.

What of human rights in the African context?

The principal instrument referred to for human rights promotion and protection in Africa is the ACHPR (African Charter on Human and Peoples' Rights), adopted in 1981 in Nairobi, but enforced only five years later, i.e. in 1986. The Charter's innovative approach is generally stressed in its recognition of equal importance and relevance to both human (individual) and peoples' (collective) rights, as well as to notions of rights (duties) and obligations for individual citizens and collective members of society and, last but not least, the relevance of the notion of the right to development.

Other major steps and landmarks could also be mentioned, outside the ACHPR. These include the OAU African Charter (1963) and its Convention on the Rights of the African Refugees (1969). As a matter of fact, the 60s were not only the decade for formal colonisation in

many parts of our continent; it was also a decade during which Africa grappled with the issue of human rights, in a context of social unrest characterised by political coups, droughts and an afflux of refugees. The establishment of the OAU Convention on Refugees contributed to the reinforcement of international standards, as it expanded on the UN Convention on the same matters.

Further steps were taken in efforts towards consolidation of the normative framework, with the adoption (1990) of the protocols: i) on the Rights and Welfare of the African Child; ii) on the Rights of African Women; iii) on the African Court on Human and Peoples' Rights (1998).

It is unfortunate that the ratification process for these instruments has been delayed for a number of reasons, given the extended protection they offer for the cause of human and peoples' rights on our continent, particularly the African Court on Human and Peoples' Rights. Therefore, this Conference should recommend seeking ways to contribute to accelerating the pace for the ratification of these various instruments, together with the improvement of the conditions and modalities of their implementation.

What of human rights in the context of the African Union (and the NEPAD)?

As we shall see, the issue of human rights in that context is also approached from both a holistic (structural), as well as from more specific perspectives. The Constitutive Act of the African Union contains, throughout the Preamble as well as in its declared objectives and principles, a robust statement on sustainable development and a strong commitment to good governance and social justice (see principles: al. n), and to the principle of gender balance and equality (cf. Art. 4), notably in the appointment of AU Commissioners.

Human Rights Approach within the context of the AU (and the NEPAD)

As stated above, the AUCA (African Union Constitutive Act) also poses the issue of human rights in two ways, from the Preamble onwards: from a specific (explicit) approach, as well as from a more global or structural point of view.

Structural approach to human rights in the AU Constitutive Act

The establishment of the AU embodies two major commitments or endeavours. In the first instance, the commitment to assume the legacy of the founding fathers [and mothers?] of Pan-Africanism, in their determination to promote unity, solidarity, cohesion and cooperation among African people and states, as an epitome of "the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation" (Preamble). Hence the recognition of the historic role performed by the OAU particularly in the African peoples' struggle for liberation. The AUCA also proclaims the commitment of its signatories to successfully address the "multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world" of today and tomorrow: hence the need to "accelerate the implementation process of the Treaty establishing the African Economic Community, as a condition *sine qua non* to promote the economic development of Africa and to face more effectively the challenges posed by globalisation".

The major objectives and principles of the Union include: i) the promotion of sustainable development at the economic, social and cultural levels, ii) the integration of African economies, the promotion of cooperation in all fields of human activity in order to raise the living standards of African people (cf. Art. 3 / Obj. j and k), iii) the commitment to respect for democratic principles, human rights, the rule of law and good governance (see principles: m), iv) respect for the sanctity of human life (o) and v) popular participation (Obj. g, / principles, c).

The strategy and modalities of implementation of the said objectives and principles include: i) building partnerships between African governments and all segments of civil society, in particular youth and women, together with the African private sector, ii) the promotion of peace, security and stability as a precondition for social and economic development, and iii) the promotion of democratic principles and institutions.

For the consolidation of the institutional framework, special attention must be devoted to strengthening Africa's common institutions with the necessary powers and resources to enable them to discharge their respective mandates effectively (empowerment and resource allocation). Towards the same end, the AUCA has clearly defined the mandates (and roles) for: i) the ECOSOCC (Economic, Social and Cultural Council) as an advisory body composed of different social and professional groups of the member states of the Union, and ii) the STC (Specialised Technical Committees), which report to the Executive Council and are composed of ministers or senior officials responsible for sectors falling within their respective areas of competence, some of the priority areas being those of rural economy and agricultural matters; transport, communications, tourism, health, labour, social affairs, education, culture, and human resources development.

Specific approach to human rights in the AUCA

The Preamble clearly states the political will and commitment of African heads of state and government, signatories of the AUCA "to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and ensure good governance and the rule of law". Furthermore, among the objectives (art. 3), is also (h), the commitment "to promote and protect human and peoples' rights, in accordance with the ACHPR (African Charter on Human and Peoples' Rights) and other relevant instruments such as the UN Charter and the UDHR".

Obviously, this framework could be completed with reference to other legal instruments such as the Convention on Discrimination against

Women and the Convention on the Rights of the Child, together with their African extensions. Despite the fact that they have not been explicitly mentioned in the Constitutive Act, these instruments could be inferred from certain social categories including women, children, and the disabled, whose rights are also taken into consideration (see: Art. 13/functions of the Executive Council in the coordination and decision making processes for the implementation as well as the monitoring of policies and development programmes in areas of common interest to member states, namely: agriculture and food security, education, health, culture, human resource development, and social security).

Some conclusions and recommendations about challenges and practical questions in the promotion and protection of human rights in Africa

Powers and functions of the AU organs

State sovereignty and the search for unity
The Constitutions of countries such as Senegal and Mali proclaim their readiness to renounce all or part of their sovereignty for the sake of African unity. Nevertheless, the perpetuation of micro-nationalistic ideologies and practices may hinder the search for unity at supra-national level – if we may apply the term "nation" here, considering the failure of most African post colonial states in fulfilling one of their historical tasks in the area of nation building. Within such a context, the implementation of some principles of the Peace and Security Council (PSC), such as the right to intervene in any African country for security or humanitarian reasons might be stifled by the obligation to respect the borders inherited at independence and the sovereignty of each individual African state. How to overcome such apparent contradictions could provide matter for discussion in our meeting.

ECOSOCC and the normative framework
Another area of North-South cooperation relates to the urgent need to complete the normative work as regards the definition of the competences, functions, powers, composition and modalities of organisation of the ECOSOCC by the Assembly of Heads of State and

Government as the supreme organ of the Union. There is also a need to put at the disposal of this important organ for human rights promotion and protection, sufficient means for the successful discharge of its mandate(s).

Financial institutions

The establishment of financial institutions such as the Central Bank, the African Investment Bank and the African Monetary Fund throws the whole problem of Africa's development and sovereignty (currency is also both a factor and symbol of sovereignty) at the very heart of the world system, in the absence of a qualitative change still to take place in the approaches to relations between peoples and regions of the world. How can we make those changes happen? How will the new system and its institutions function in order to be successful in the global world?

Official and working languages and the issue of ownership

The issue of ownership is a crucial one: how can we involve the African peoples and civil societies in the process of ownership of the new body and in NEPAD? According to which principles and methods, using which languages of communication and work, shall this ownership be made possible, in the process of building partnerships, think tanks, data bases of best practices, out of the African experience and available expertise, etc.? These and other related issues are, currently, a matter of hot debate, as was the case during the last AU meetings to discuss amendments to the Constitutive Act. But history has taught us that no people have ever achieved real freedom, democracy or social progress, using exclusively or predominantly, languages understood by a minority of their members. Of course, the solution to this crucial problem does not reside in the exclusion of foreign languages, but, rather, in the establishment of concrete institutions and mechanisms with adequate powers and resources to qualitatively transform the global socio-linguistic picture of our continent, from a situation of vertical (or unequal) multilingualism to that of coordinated or horizontal (equitable) multilingualism.

Resources

In the allocation of financial resources, the first contributions must come out of Africa. Hence the questions: where to find them, and how to generate, allocate, manage, and renew them.

Regarding human resources, there are still questions to be answered and challenges to confront: i) problems of training and retention (policy of containment of the brain drain), ii) how to reconcile the need to emulate high international standards and the need to take full advantage of Africa's traditional systems of knowledge and of the potential of its Diaspora(s)? (cf. programmes of scientific development of Cheikh Modibo Diarra).

Problems of ratification and implementation

The second level of difficulty has to do with ratification of organs and legal instruments and with modalities and conditions for their implementation.

In that regard, as stated earlier, this conference should recommend seeking ways to contribute to accelerating the pace for the ratification of the African Court of Justice, the ACHPR and other organs or legal instruments, together with the improvement of the conditions and modalities of their applicability or implementation, starting by addressing the various constraints and needs of many African legal and judicial systems: lack of staff, inadequate infrastructure and working conditions, training needs, etc.

Another problem is encountered at the level of the African Commission on Human and Peoples' Rights: i) problems of the composition of its membership (Art. 31 of the ACHPR), which is, in some cases, a problem of compatibility of roles and functions of some members or at least of their credibility, rather than one of their own capacity or competence, ii) relative instability of the membership, iii) inadequate infrastructure and working conditions, iv) lack of resources, and v) poor quality of its decisions, with a few exceptions such as the one on the rights of the Ogoni people.

Role of (African) parliamentarians in the promotion and protection of Human Rights

Parliamentarians have a major role to perform in the establishment of democratic institutions and the protection of human and peoples' rights, within the context of a state governed by the rule of law.

First, through their legislative and normative work: preparation and formulation of adequate laws together with their modalities of implementation, whose degree of relevance could be assessed through the way in which these laws adequately address the real needs of the African masses, especially the most vulnerable social groups: women, youth, the disabled, refugees, displaced people and all victims of conflict or marginalisation. In that respect, the issues of transparency, comprehensiveness and accessibility of the laws as well as the mechanisms put in place for the purpose of protecting human and peoples' rights are of great importance.

Hence, once again, the need to use the languages understood by the majority of the people, in the formulation and implementation of laws and acts of governance, in particular the African national languages, in equal terms with the foreign languages widely in use on the African continent.

Parliamentarians are also responsible for the control of the legislative over the two other constitutional powers: the judiciary and the executive, with a view to clearly defining the areas of competence of each one of them, together with the task of looking at the constitutionality and equity of all laws passed and enforced.

Common values and principles

Role of education and information
To be successful, NEPAD and the African Union will be implemented neither by Mozambicans, Senegalese, nor Algerians, but by healthy, well-trained, conscious and genuinely committed African citizens. Therefore, given the role still played in the present context, by

ignorance and opportunistic manipulation of narrow nationalistic feelings and symbols by certain African politicians, a major role should be devoted to information and education for the emergence and consolidation of an African consciousness and identity, based on an awareness of the profound cultural, historical and linguistic unity of African peoples, despite their specificities and differences, due to the universal law of the differential pace and patterns of historical evolution between different social formations and even within the same social formation, yet, the contents and modalities of this programme of information and education remain to be clarified.

New principles of good governance in the transition phase
There is certainly some level of exaggeration in the debate about the so-called anachronism of the OAU after the fulfilment of its historical mission: the political liberation of Africa. Nevertheless, the issue of the cultural transition from the OAU to the new AU might also be problematic, as regards the need to adapt to some new changes introduced or in the making: a new culture of work and working style, new principles of governance for appointment of staff (meritocracy), resource allocation and management, and the obligation of transparency and accountability, etc.

How to implement these institutional changes without creating too many serious conflicts, in the context described above, is also a matter for debate.

The African legacy and the regulatory framework
Many African legal and judiciary systems of today are still grappling with serious problems of accessibility and effectiveness, some of which are closely related to socio-cultural factors, encountered in the contexts of their implementation. But, according to many analysts, the primary causes of some of these problems are of a structural nature and should, therefore, be sought after at the very core of the same legal and judicial systems, i.e. in their own make-up, most of whom are exclusive of principles, values, or mechanisms enshrined in the pre-colonial African institutional and political legacy and best practices, as revealed, beyond any possible scientific doubt or contestation, by authors pertaining to

the African school of scientific research and thought founded by the late Pr. Cheikh Anta Diop.

As demonstrated by Dr. Diop and many others, Africa was the theatre of an epistemological history as old as the world, whose singularity should be stressed not in terms of a racial phenomenon as such but, rather, as a purely cultural and historical one. As ancestors of humankind and of human civilisation, African peoples have also established and managed institutions and produced, in their own languages, discourses about their own practices.

In the area of political and institutional patterns of organisation, the African conception of political power clearly differentiates between the notion of power as such, in terms of a crude capacity for coercion, on the one hand and, on the other hand, that of authority, considered as both the foundation of the legitimacy and the cornerstone of real power. Well documented, this conception of power is conceived and organised around key notions such as Ubuntu (humanity as both an ontological category or status and a political and ethical principle) and Maat (the notion of justice, truth, equity, and righteousness). The same not only acknowledges some basic principles such as the principles of separation and balance of power, those of representation and decentralisation; it also recognises and protects constitutional rights for minorities, foreigners and of course women, as testified by many, including Batuta, the Arab chronicle writer, who visited the Mali empire in the 13th century.

In order to overcome the often mentioned structural dualism of many African legal or judiciary systems, there is, therefore, the need to (re)discover, recapture and update the principles underlying those discourses and practices, including the shaping of modern institutions and the definition of their functional modalities. To do otherwise would be the same as digging, under our own feet, a vacuum of several centuries, which could not be filled by any dissertation or advocacy on human rights or democracy, however well intentioned or brilliant the dissertation might be.

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Another challenge facing the African legislators and their northern partners lies in the difficulty in reconciling and merging, different sources such as English common law and the Napoleonic legacy, especially within the African Parliament.

<u>Image awareness and image building</u>
In the analysis of the reasons which account for the current state of Africa, particularly as regards its historical setbacks and ongoing marginalisation on the world scene, one should take full consideration of and adequately address the issue of the negative image forged and disseminated over centuries, about our continent and its peoples. The task of undoing the bad image of Africa and replacing it with a positive one, based on a more adequate, less biased assessment of the historical experience and operational value of the cultural heritage of the African people as a factor of development should, in our view, constitute one of the priorities of the AU and NEPAD communication strategies.

As a consequence, it is urgent for African people to mentally free themselves from the shackles of psychological bondage. This implies a concerted effort to correct the falsified versions of Africa's history, in order to achieve a greater and more effective autonomy for African historical and political consciousness. The main objective is not a rehabilitation of African history as such, but rather to enable us to know and understand exactly what happened, and how and why it happened. In fact, such a project consists of a double process of (re)conquest or restitution: i) the reconquest by African people of their historical and political memory (pharaonic as well as post-pharaonic and African Diaspora heritage), to lay the foundation for the alternative project of society and civilisation embedded in the African Renaissance worldview and strategies, and ii) the reconquest by the African political as well as intellectual elites of self-confidence and trust in their own capacities.

Towards that end there is a need to adequately picture in its entirety and various sequences, the whole African historical process, from the Nile Valley civilisations through to the remaining post-pharaonic areas of civilisation, including the experience of the African Diaspora in the

"New World", Africa's contribution to world history, not only as the cradle of humankind and human civilisation, but also through its contribution to western and world economic wealth, since the Atlantic slave trade, the phase of primitive accumulation and the pre-mercantile period through to the industrial revolution, colonialism and the current post-colonial situation.

Multilateralism, multi-polarity and cultural diversity
True cooperation is cooperation on equal terms, which implies mutual respect between partners and a sense of complementarity and active solidarity amongst them.

If, especially in the area of institution building, Africans should continue to draw lessons from any other best practices, including those from their European partners and friends, at the same time, the latter should respect their right to determine in all sovereignty, the direction and course of their own destiny, including the shaping of institutions suitable for their development objectives and needs. As a matter of fact, true as it is that certain principles of life are, like human rights, universal, indivisible and interdependent, history has also taught us that true development is an endogenous and organic process which cannot germinate from seeds adverse to the conditions of the soil; and that every people, with its own historical personality and cultural ethos, is the primary source and agent for its own development; development being understood as a process of both self expansion – in terms of openness, receptivity to lessons learnt from the positive experiences of others – but also and above all, a process of self assertiveness for any given community or people.

Based on such a vision and having fully assumed their sense of solidarity and collective responsibility, the conveners of and participants in this very important gathering could, then, find themselves in a more favourable position, to strive together in their respective capacities towards the preservation and consolidation of multilateralism, whose unity appears to be so strongly jeopardised in the current state of world affairs.

DEBATE

Chairperson
Bishop Denis Sengulane
Christian Council of Mozambique

Let me just say two things. One is that I am reminded of the story of Jesus multiplying a few loaves and two fishes and being able to feed so many people. We are told that he said nothing should be wasted. We have had very good speakers in this session. They have put before us wonderful material for us to enjoy, but we also need to take something home so that nothing is wasted.

Secondly there are dates and places and historic events that have been put before us. These are events that have positively affected the lives of many. This is an opportunity, who knows, for us to make this gathering of 18 to 20 March something that will positively affect the lives of many. I am sure you will agree with me that we can do something from now on. It seems to me that we have been given the task of two very practical words: dignity and accountability. When we talk about human rights we are really talking about human dignity, and when we talk about democratic governance we are talking about accountability. These are very dynamic and concrete realities, which have practical implications. This is more or less what I have been listening to since we started this wonderful buffet. Well it seems we have this buffet in front of us. Let us not say it is just a buffet, let us pick up something from this buffet and share what is good for us and what we may take home.

We have two people already who want to comment, ask a question or give additional information. Thank you.

Chenhamo Chimutengwende
Zimbabwe Member of Parliament

Chair, first I would like to thank all the speakers this morning because I think they gave us the most appropriate orientation. By the way my name is Chenhamo Chimutengwende, from the Zimbabwe Parliament.

The speaker of the South African Parliament, honourable friend Ginwala, hit the nail on the head when she said that our experience of partnership with Europe and Europeans in this region was not based on genuine equality, solidarity and fairness. As defined by the Prime Minister of the Federation of Rhodesian Island, it was a partnership between a rider and a horse. Indeed the colonial partnership between Europe and Africa was based on this thinking and practice. But has this changed and, if so, how far has it gone or should it change at all?

This is what the Europe-Africa dialogue should seriously deal with. We should all welcome the idea of a Europe-Africa dialogue because it is a platform that should give us an important opportunity to be frank with each other. If we are really partners, how come the industrialised world, to which Europe belongs, and the developing countries to which Africa belongs, often vote as opposing blocks in the WTO and other global forums? Has colonialism really not been replaced by neo-colonialism? What do we mean by that and what is our experience with neo-colonialism in Africa? We have to be frank with each other.

For instance, recently there was speculation by an international news agency in Europe that our speaker of Parliament, Mr Mnangagwa, could succeed Prime Minister Mugabe, and immediately the EU Parliament met and passed a resolution that Mnangagwa was not acceptable. And this was before even the Zimbabweans had discussed the matter. Even our opposition did not know about it, but the EU had already taken a decision. Does this mean that, in future, before we can decide who our next leader should be, we wait for the EU to decide who of the 14 million people of Zimbabwe can become president? In the postcolonial era why has Europe supported and worked closely with the pro-West but anti democratic regimes in Africa? One can give the examples of Moy's Kenya, Mobutu's Zaire and many more. Too many people, it seems, think that industrialised countries are more concerned with their global, political and economic interests rather than with democracy. If so, why is it that some countries from the North are opposed to genuine democracy in the UN and at the international level?

It also seems that in these meetings we often use concepts and principles that we do not try to define. Instead we use these concepts and principles as mere slogans. Let us take, for instance, the concept of human rights. It often does not include economic rights. I am pleased that the honourable Ben Türok has just referred to it in his presentation. Political human rights alone are in favour of the rich, while economic rights are in favour of the poor majority. The rule of law and protection of private property is also unfair to the poor in a situation where there is oppression and where private property has been obtained by force, oppression and corruption. Coming to the question of dialogue, we should not just be limited to discussing these concepts and principles as applied to Africa but also to the situation in Europe itself. Are these concepts and principles fully applied in Europe or outside Europe by Europe? We have to be frank in discussing these issues of our partnership, if our partnership is genuine. Thank you.

Jimi Adesina
Professor, Department of Sociology, Rhodes University, South Africa

I am Jimi Adesina, and I am here as a representative of the Council for the Development of Social Sciences Research in Africa. I would like to make a couple of comments related to NEPAD and Euro-African dialogue. I am happy to raise these questions in the presence of Professor Ben Türok, who is a doyen in African development.

In the official document, it is stated that NEPAD has to be "prepared through a participatory process involving the people". Until now this statement has not been put into practice. NEPAD has been conceived without broad consultation with civil society organisations and intellectual bodies. Last year we had a meeting in Pretoria and we were told, "Yes, there was a problem in the initial design of the programme, but you know we will get everybody on board". With all due respect, not a single one of the fundamental issues that were raised about people's participation has since been addressed.

My second concern is about the content of the NEPAD document. How can a document that is so central to our development get itself dragged into a false debate – market access? Market access is a false debate. Take agriculture for example. Economic theory will tell you that you can never develop by exporting primary agricultural products. I am not dealing with this issue at a level of theoretical discussion only. I am dealing with it at a level of the life of the ordinary people about whom we are supposed to be concerned. In three years, international coffee prices dropped 73%. What do you tell the farmer in Uganda, then? You can have all the market access you want in the world; it does not stop the decline in prices and the crisis of terms of trade, because we are locked into this economy that colonialism handed to us. How can we have our own document saying we will negotiate on the basis of market access?

There is nothing that I have seen so far in this document that shows that there is a clear understanding that economic development is about articulation between various sectors of the economy and articulation between economic and social access. There is no clear industrial development strategy that I see. What do I see? One project here, one project there. Projects of this nature do not constitute a development strategy and they never will.

We are talking about market access, training programmes, capacity building. With all due respect, the problem of Africa is not a question of capacity building. Yes, you have a continent that does not have economists or macroeconomists, engineers, etc. The problem is that the engineers have left. Why? Because the problem of Africa is that conditions are made so difficult that many of the experts in Africa have to leave their countries, and even the continent. Now, do we want to get our house in order? Do we really want to sit down quite seriously and talk about what is in the interest of Africa? My worry here is that we are chasing shadows.

Inge Jäger
Parliament of Austria, AWEPA

My name is Inge Jäger. I am a Member of the Austrian Parliament and I have been Chairperson for Development Cooperation since December last year. Following Mr Peter Schieder's speech I would like to make one remark. I know that the Council of Europe has done a lot to increase human rights and democracy in the whole of Europe. As we all know, the Council of Europe was founded in 1949, after the Second World War. At that time Europe was on the ground and the people had experienced dictatorships. The reconstruction of Europe was facilitated by the help and aid that we got from the US through the Marshall Plan. Maybe today Africa needs the same level of mobilisation of international solidarity.

Today, as said by the speaker of the South African parliament, we all know that the current unfair trade system and the European policy of subsidies for agriculture are destroying agricultural production capacity here in Africa. So it is our responsibility in Europe, our duty as European members of parliament to face this unfair system and to change it. I hope that we can work more closely and really face the problems generated by the WTO and the GATT system. I also believe that we have to work towards the democratisation of the international institutions. Together let us find the way and strategies that will enable us to change these realities. Thank you.

Jan Van Eck
Centre for International Political Studies, University of Pretoria, South Africa

Chair, very quickly just one point. I am very happy about a dialogue between Africa and Europe. As an African who has worked in Central Africa for eight years, I think we have, at the same time, to emphasise a more important dialogue and that is between 90% of our governments and their populations, because I do not believe that it exists as it should. As the Senegalese Ambassador mentioned, the problem is that some of

our initiatives are top-down processes. I do not believe that, generally speaking, the people of our countries are truly represented by many of the governments that we have on the continent. Many of the governments are rulers not leaders: that is the complaint I get from virtually every country. I believe that if we are going to continue to ignore this reality, we merely have the leadership of Africa without a genuine mandate from our people conducting a dialogue with the leadership of Europe. We are going to perpetuate the disease we learnt during colonialism: leaders doing what the external community tells them to do and not what their own people tell them to do. This is not against what we have being doing today but I think we have to draw conclusions from the fact that our priority should be dialogue between our leaders and our people, so that our leaders speak with mandates and the people feel that their voice is being heard, which is not happening at the moment. Thank you.

Alberto Francisco Tunga
Secretary General, Platform of NGOs, Angola

Thank you very much, Chair. I also wish to thank all the people who have already talked in detail on issues of human rights, NEPAD and Euro-African relations.

I have one direct question. Most of the African countries fall within the Heavily Indebted Poor Countries Initiative (HIPC) and nearly all of them have burdens of loans from European countries. And one of the conditions that have been mentioned lately is that some of the debts would be relieved if the requirement of good governance within the states was met. Now my direct question is this: what are we getting out of this Euro-African cooperation in terms of debt relief? Is Europe really doing something on this issue?

Brendan Howlin
Ireland Member of Parliament

Thank you, Chair. Let me first introduce myself. I am Brendan Howlin representing AWEPA and a Member of the Irish Parliament. I was

motivated, Chair, to seek the floor after my friend and colleague Chimutengwende spoke. We've known each other for a while. We both actually co-chaired the Ministers for the Environment Council, at one of the Preparatory Committee's Conferences for the Kyoto Accord. I also come as a representative of a European country that was colonised itself, so I have greater licence and frankness to speak than some of my European brothers and sisters in relation to some matters. I think that the agenda we have is important and we need to have dialogue. A true dialogue among friends is open and honest and I think some honest questions have been put to the Europeans. I just want to share two thoughts with you. And I think some time in the next two days we need to have space for an explanation of the evolution of Europe since the Second World War that my Austrian colleague began, because I think there are parallels that are useful to look at in the context of evolution within the continent of Africa.

Let me say in relation to the Council of Europe - I am privileged to be a member of the Parliamentary Assembly of the Council of Europe - that the fundamental basis of the Council of Europe in 1949 was to have a mechanism to bring together the various countries of Europe and abolish war, to strengthen the cultural sameness of Europe and the diversities of Europe and at the same time to put down a basis for human rights. I think that the most important instrument in this was the Court of Human Rights in Strasbourg. This goes back to some of the other comments that have been made in relation to the embryonic structure that needs to be set up in Africa to build some common mechanism on human rights. Surely one of the models that could be looked at in the European context is the European Court of Human Rights. You can obviously see from the contribution of Professor Türok that the Constitutional Court in South Africa provides that but surely, if there is to be development within Africa, the first basis would be some common court of appeal for human rights so that every citizen within the pan-African structure has common rights that are enforceable on a common basis. I hope we can explore this concept in the next couple of days and other parallels in relation to the structures that we put in Europe, like the social cohesion mechanism for example, which can address the issue that my friend here talked about. Real economic

development rather than a colonial model upgraded for a new century. Thank you very much indeed.

Ben Türok
South Africa Member of Parliament

Well I think some important issues have been raised. I cannot reply to all of them, but I would like to react to two or three and use principles rather than details.

Firstly, on the question of political and economic rights, I think it is clear that there is an international understanding now of the indivisibility of rights. Even for the right to development, which is still a controversial one, the foundation has been laid through the United Nations Covenant and various other agreements. I think a meeting like this has the status or the mandate to push in that direction and I hope that the conclusions at the end of this meeting will insist that the indivisibility of economic, political, civil and all the other rights should be established as a principle.

On the very fundamental issues that Jimi raised, of course I agree with many of them but the question is what way forward? To state fundamental issues is not enough, we also have to say how we go forward. What I am going to say is maybe controversial: given the global environment in which we live and, particularly today and tomorrow, US domination, the rule of force, let us look at all the contradictions that exist in the current world and say how we relate to those contradictions given the difficult issues that you have raised about economic relations. Because to stay only with the fundamentals and say therefore that it is an impossible situation seems to me a bit defeatist. My approach is to say, maybe descending to pragmatism, that if you go to the UN principles, the human rights issues, the Council of Europe statements, which I find very useful, cannot we build on these in order to find some common ground? So that is my approach.

Concerning Africa under representative governments, this is again a hard fact of life, which is why I said in my presentation that we should

establish task groups representing different sectors, including parliamentarians, civil society delegations and academics engaged on these issues.

On the HIPC issue, yes we know how the World Bank is messaging the HIPC exercise, poverty reduction strategies and all the programmes that are being put in place around the HIPC. These are debated up and down the continent. I have been in Accra, in Lusaka and elsewhere and people attacked the whole HIPC process quite strongly. But certain governments will not reject the debt reduction that has been made available. It is a negotiating situation and the bank and the fund are operating in that way. We all know that the HIPC is a conditionality but we need to engage on the HIPC in a very practical way, and expose its deficiencies at the same time. So here again I think one has to play the game in a very concrete way while frankly exposing the conditionalities and the deficiencies of the HIPC at the same time.

Finally, the European Court of Human Rights. You know, the whole question of enforcement is problematic in Africa today, as we see in the African Peer Review Mechanism (APRM). I mean, ideally, there is no doubt in my mind that the South African Government would have said, "Let us go for enforcement of the APRM" if it were feasible, but it is not. So we are talking about voluntary accession as the first step. But it seems to me that, inevitably, there will be enforcement. I think that voluntary accession to the APRM is a first step towards a tougher position. I think we have to move step by step because we have to take governments with us. We cannot set up an ideal model of the African Union and NEPAD and say, "Everybody must join because if you do not join you will be left on your own". What use is that? So I think it is a struggle to get governments in first and in a very moderate and modest way, hoping that as the process moves on and proves successful that everybody will join and we can then establish a kind of European Court and all those things.

But the other point I want to make is this. Everyone is very anxious that we do not mimic Europe. You know there must be a sense of African pride, of African ingenuity. Our Ambassador indicated that there were

traditions that we could use, and not just replicate the European system. We have copied a lot from Europe already, maybe too much in establishing the AU, in establishing the various institutions. Maybe we've copied too much already, but certainly people who have been involved in these matters have not been in Europe to see what is operating there and then come back and said, how do we do it? My own feeling is that we should be very careful not to mimic or copy outright, and use African ingenuity and African traditions. I think it is very important for the pride and dignity of Africa and also from the practical point of view. I think my colleagues want to add something.

Fred Ahwireng-Obeng
Wits Business School, Afrika Institut, South Africa

Just a short comment. The NEPAD Secretariat is not claiming that the current framework is a strategy. Nobody says that; it is far from being a development strategy. What NEPAD has provided is a policy framework broad enough for each country to detail its own development strategy. I was one of the strongest critics of NEPAD, in fact. I wrote a long document on it but I decided to get involved so that I could influence and refine the policy and that is how I worked as a consultant for NEPAD. So I agree with you, Jimi. NEPAD is not a development policy strategy but a broad framework and, as my colleague Ben has said, we must begin to work within that framework and refine it to the mutual benefit of Africa. Thank you.

Session 1

Prevention, Management and Resolution of Conflicts and the Creation of a Regional Framework Favouring Human Rights within the African Union

Welcome to this session. My name is Jody Kollapen and I am the Chairperson of the South African Human Rights Commission and I have been asked to moderate this session, which is entitled "Prevention, management and resolution of conflicts and the creation of a regional framework favouring human rights within the African Union".

I think from this morning's presentation we have heard much about the synergy between our understanding of human rights and how it is inextricably linked to the foundation of democracy. We have also heard about the various commitments that exist in the Charter's declarations and documents that we have developed as Africans, ranging from the commitments in the African Charter to the founding principle of the African Union. One almost ventures to guess that perhaps we are not short of commitments and declarations but perhaps that there is a lack of synergy between these commitments and declarations and practice. I think we would all agree that, ultimately, the value of having established an environment that is in conformity with human rights cannot be judged by the adequacy of the documents that we produce. If the test was as easy as that, we could take a group of lawyers and stick them into rooms with cigars and some whisky and within a couple of hours I am sure they would produce a declaration of great excellence. But the test must be reality and it is that reality which challenges us all the time.

In our dealings with managing and resolving conflicts, human rights are very often sacrificed in the process.

The desire for peace is so great that we want to stop conflict and very often we do it at the expense of justice. We often see how peace and justice are regarded as separate trusts moving in different directions. We need to understand and accept that there cannot be peace without justice and indeed any peace that is built on a foundation that does not include justice is not likely to be a lasting peace.

We have also heard from our speakers this morning, speakers of our parliaments, about the challenges of globalisation. We have heard Ben and other speakers on the role of civil society. Clearly, in the session that follows no less than six presentations will deal with a variety of issues that, I admit, first seemed unrelated but in fact have a synergy between them. I think the challenge for this panel is not necessarily how we established new frameworks, because the language of human rights is not new to us as Africans. The language of human rights is as old as the institutions we have created. But how can we move beyond the declarations and commitments to make human rights real for the African citizen? I heard the phrase this morning as well, the African citizen that is still to come. How can we use the human rights framework, human rights values to nurture the African Citizen that is still to come? With these few words I would like to welcome the members of the panel and my instructions are to give each of them 15 minutes.

Victoria Maloka
Human Rights and Conflict Management Programme, Centre for Conflict Resolution, University of Cape Town, South Africa

"Conflict, Human Rights and Conflict Management: Reflections from the Centre for Conflict Resolution"

Thank you Chair.

Good afternoon ladies and gentlemen. Bon après midi Mesdames et Messieurs. *Namaste!*

We have been requested to give a perspective from the Centre for Conflict Resolution regarding the causes of conflict in Africa and also a relationship between these conflicts and human rights, so basically my paper is based on the work that has already been done by the Centre.[1]

Introduction

Since the disastrous failure of the first wave of democratisation following the political independence in the sixties, the African continent has been mired by conflicts, political instability, debilitating poverty and underdevelopment. Efforts to reconstruct the African state after these "false starts" have brought about much needed pressure on the African leaders to bring peace, stability and development in the

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[1] This paper is an adaptation and constitutes extracts from two occasional papers published by the Centre for Conflict Resolution (CCR): "The Four Horsemen of the Apocalypse by Laurie Nathan", in Track Two, Vol. 10, No 2, A August 2001, and *"Bridging the Divides – Exploring the Relationship between Human Rights and Conflict Management"* by Michelle Parlevliet, in Track Two, Vol. 10. No 3, March 2002. The two publications can be obtained from the Centre for Conflict Resolution, University of Cape Town, C/O Rhodes Gift Post Office, 7707, South Africa. They are also available at the CCR website http://ccrweb.ccr.uct.ac.za and e-mail mailbox@ccr.uct.ac.za NB: For references and citations, please refer to the complete versions of the texts.

conflict and crisis affected countries of the continent. Furthermore, the fall of the Berlin wall symbolising the collapse of communism in Eastern Europe has brought about a new visibility and stridency to the crisis and conflicts in Africa. However, conventional approaches to managing conflicts in the continent have failed to yield any long-term, sustainable results, primarily because the root causes of these conflicts have been misunderstood. If the problem or remedy is misconceived, then peace endeavours may be ineffectual or counterproductive. In the African continent there are four structural causes of intra-state conflicts: authoritarian rule, marginalisation of ethnic minorities, socio-economic deprivation and inequity and, lastly, weak states lacking the capacity to manage conflict effectively. The potential for conflict heightens when these conditions are simultaneously present.

In responding to these conflicts in Africa, the demands for justice and respect for human rights cannot be undermined. The dilemma of balancing peace and justice, where all end to violent intra-state conflict is being sought, has become a regular feature in international affairs. Although the demands for justice and enforcement of human rights are not easily reconciled with the political and strategic concerns for peace, the two should be viewed as complementary, rather than contradictory. Understanding and acknowledging the inextricable relationship or links between conflict and human rights would invariably contribute positively to peace processes, especially to efforts to attain peace, justice and stability.

This paper draws from the work of the Centre for Conflict Resolution (CCR) in analysing conflicts in Africa and, specifically, the work of the Human Rights and Conflict Management Programme of the CCR. It is divided into two sections: the first part will examine the causes of intra-state conflicts in Africa, followed by a discussion on the relationship between the fields of human rights and conflict management.

Causes of conflicts in Africa

A critical aspect in understanding the causes of conflict in Africa is the general understanding of conflict itself, as it has a bearing on responses

and intervention strategies. If conflict is perceived as a negative and inherently destructive phenomenon, then the responses are directed towards suppressing and eliminating it. However, if conflict is viewed as an inevitable aspect of human interaction, the challenge then is not to court the frustrations of seeking to remove the inevitability, but rather of trying to keep the conflict within bounds.

Absence of violence is not in itself an absence of conflict. States that are stable are not necessarily free from conflict. Rather, they are able to deal with its various manifestations in a stable and consensual manner. Conflict management means reacting responsively to reduce demands in a manner consistent with human dignity, so that the conflict does not escalate into violence. This paper is therefore based on the premise that conflict is a social and political phenomenon, that it is intrinsic to human existence. It is neither negative nor positive and therefore cannot be eliminated, but needs to be properly managed to avoid bloodshed and violence.

As already mentioned, four key structural conditions lead to violent intra-state conflict: Firstly, authoritarian rule. In the national sphere, conflict management is the essential, ongoing business of governance. It is the formal responsibility of the executive, parliament, the judiciary, the police, local authorities and other structures. Crises arise when states do not have the institutional capacity to fulfil this responsibility. Where a state lacks the resources and expertise to resolve disputes and grievances, manage competition and protect the rights of citizens, individuals and groups may resort to violence. Crises also arise when states lack popular legitimacy because they are wholly authoritarian and cannot resolve divergent interests through democratic means. In most instances, authoritarian states resolve conflicts by suppressing them, thereby exacerbating the crisis at other levels. Authoritarian states also create polarised groups where the elite whose main interests are self-enrichment cannot be brought to justice.

Secondly, there is the exclusion of minorities from governance. Crises also arise when states lack popular legitimacy, because they are under minority rule, or because they exclude ethnic minorities from full

participation in the democratic political system. Oppressed and marginalised communities may seek to resolve the crisis through armed rebellion. Hostilities are likely to be intense and sustained because the stakes are so high: exclusion from formal governance may have a profoundly negative impact on physical security, basic rights, cultural identity, economic opportunity and access to resources. In order to prevent and resolve crises that emanate from inter-group conflict, democratic majoritarianism must therefore be tempered by structural accommodation of diversity. This accommodation means entrenching inclusiveness and respect for diversity in the political system and state institutions and law.

Thirdly, socio-economic deprivation combined with extreme inequity. Where underdevelopment is coupled with extreme inequality, sporadic acts of violence may occur as expressions of anger, frustration and fear. The pattern of urban riots in African countries suggests that the risk of violence increases when poor socio-economic conditions deteriorate rapidly and suddenly. In 1998, Archbishop Desmond Tutu issued a warning to the South African government that "the surest recipe for unrest and turmoil is if the vast majority have no proper homes, clean water, electricity, good education and adequate health care... If the disadvantaged, the poor, the homeless and unemployed become desperate, they may use desperate means to redress the imbalance".

Fourthly, weak states that lack the institutional capacity to manage political and social conflicts effectively. The strategies that properly address the root causes of intra-state crises and violence involve institutionalising respect for human rights, political pluralism and rule of law, accommodation of minorities and ethnic diversity; strengthening the capacity of state structures and promoting economic growth and equity. Although these measures are commonly regarded as post-conflict peace building, they should equally be regarded as pre-conflict imperatives. One of the elements of peace building is the ongoing management of social and political conflict through good governance. Fundamental to the notion of good governance is the ability of the state to provide efficient, well-functioning institutions and infrastructure of government that are legally backed and socially

coherent, that together establish and maintain an enabling environment in which human security and human development take place. In the absence of the requisite institutional capacity, the values and principles of democracy will not be realised, the security vacuum will not be filled and use of force may consequently become commonplace.

Conflict and Human Rights

Critical to this debate is the relationship between conflict and human rights. In any conflict situation the demands of justice and the enforcement of human rights are often not easily reconciled with the political and strategic concerns of peace building. However the links between these two should be viewed as complementary, rather than contradictory. Insufficient recognition of the extensive links between the two fields undermines efforts in securing peace, justice and reconciliation. There are two dimensions of the relationship between conflict and human rights. Firstly, violent and destructive conflict can lead to gross human rights violations, but secondly it can also result from a sustained denial of rights over a period of time. In other words, human rights violations can be a cause as well as a consequence or a symptom of violent conflict. The symptomatic nature of human rights violations is well known as news agencies continually report on armed conflict around the world and recount its consequences in terms of loss of life and the mass movement of people trying to escape from violence and destruction. The 1994 genocide in Rwanda stands as one of the most chilling illustrations of the scope of atrocities that conflict can generate.

The causal nature of human rights violations on the other hand can be illustrated by the case of South Africa under the apartheid regime. A sustained denial of human rights gave rise to high-intensity conflict, as the state's systemic oppression of civil and political liberties of the majority of the population, and its restraints on their social, economic and cultural rights resulted in a long-lasting armed liberation struggle. Rights-related concerns also motivated the uprisings of the Banyamulenge Tutsi minority in eastern Zaire in 1996 and their overthrow of Mobutu. It should be noted that denial of rights does not

only occur through active repression, but can also come about through the inability of the state to realise the rights of its citizens, especially in the socio-economic arena. Such passive violation also deepens social cleavages and rivalries, thus enhancing the potential for destructive conflict.

In the study of the root causes of conflict, especially in heterogeneous societies, the expert contributions by Burton regarding universal basic human needs revealed important aspects that may at all levels have a decisive influence on mechanisms and techniques for the management of conflict. According to this, no stable social order can endure unless certain basic needs such as subsistence, protection, affection, understanding, participation, leisure, creation, identity and freedom are taken care of and receive recognition. In all groups, there is an inherent drive to satisfy these needs. These needs are non-negotiable. The inability of the state to ensure that this is addressed or satisfied may even result in undemocratic methods being resorted to in struggle and in revolutionary acts.

Human rights can be seen as the means to satisfy human needs. A comparison of the needs listed above with rights contained in the African Charter on Human and Peoples' Rights and the Universal Declaration of Human Rights shows that all rights relate to several needs. Implementation of rights satisfies needs. For example, the right to take part in the cultural life of a community meets the needs of participation, affection, identity and understanding. Deprivation of needs through the sustained denial of rights is a structural cause of violent conflict because it is generally embedded in the structures of governance, in terms of how the state is organised, institutions operate and society functions. The role of the state and issues of governance are essential in this regard, as the way the state is organised determines whether needs are frustrated or satisfied.

The protection and promotion of human rights addresses structural causes of violent conflict by working towards the satisfaction of basic needs. Institutionalising respect for human rights through, for example, constitutional endorsement of fundamental human rights, the

independence of the judiciary, and an independent human rights commission may ensure that such protection is sustained over a period of time and becomes a matter of public policy. It helps prevent high intensity conflict, by limiting the power of the state, affording citizens protection against abuse of rights, and allowing a large measure of freedom and participation. It also means that mechanisms are developed within the state structure to provide consensual and acceptable ways of dealing with discontent, thus limiting the need to resort to violence. Respect for human rights thus enhances the capacity of the state to engage in constructive conflict by facilitating dialogue and participatory decision-making.

For institutionalised human rights to work constructively and more effectively as a conflict management tool, an enabling environment must be created for its existence and operation. In this regard democratic governance is necessary. The political structure of the state, the form of the state's legislature and executive, and the electoral system are some of the areas of constitutional design that need to be taken into account. It is important to note that the local actors through inclusive negotiation must work out the details of such structural arrangements so as to enhance the suitability and sustainability of the mechanisms adopted.

Conclusion

From the discussions above it is clear that the establishment of the AU mechanism and NEPAD are significant steps in bringing about peace and stability to the continent. The AU constitutes further progress towards building the institutional capacity to address conflicts, whereas NEPAD focuses on bridging the socio-economic gaps in the continent. Good governance is not only central to the causes of conflict, but also in promoting an environment in which human rights can work. NEPAD emphasises good governance as a key factor in promoting stability and sustainable development in the continent. These efforts need to be supported and consolidated to prevent the recurrence of conflicts and to initiate and strengthen both pre-conflict mechanisms and post-conflict rehabilitation and reconstruction. Having said this, the responsibility

would be on the leadership of member states to recognise the specific challenges facing their individual countries and to be innovative, creative and constructive in how they deal with them. Ultimately, it is only through joint action and sharing a common vision for the continent that they can help the African people realise their full potential.

Jan Van Eck
Centre for International Political Studies, University of Pretoria, South Africa

"Conflicts in Africa – Lessons learned from mediation practices"

I have been asked to speak about lessons learned in conflicts in Africa in 15 minutes, which is trying to recite the Bible and the Koran in 15 minutes.

Let me first say a few things. I think that the first lesson learned is that it is very difficult to believe that anybody learns anything from what you tell him or her about lessons learned. My experience is that we only learn by making the same mistake ourselves. That is something I really do believe. I see people continuously making the same mistakes. We have thousands of books on peace making and conflict resolution, but everybody goes on and makes the same mistakes and then they give you the same lessons learned afterwards. I just want to stress the limitation of sharing lessons learned.

My experience is based on 19 years in South Africa as part of the anti-Apartheid struggle, being a parliamentarian at the same time and leaving parliament in 1996 as a Member of Parliament for the African National Congress and going to Burundi. So in the last 8 years I have spent 60% of my time in Burundi and have looked at the Burundian conflict very intensively as I did in my own experience, in my own country South Africa. When I arrived in Burundi the question that some people put to me was, "We in Burundi started a democratisation process in 1990 which led to the election in 1993 and the assassination of the new Hutu president and the massacres of Tutsis after that. You in South Africa started democratising, negotiating from 1990, you had the election in 1994 and you had a miracle. Why did you succeed and why did we fail?"

That was a very honest question that people asked me and from that moment onwards I think I have had an incredibly interesting dialogue with people about why we do things wrong in one case and why we do things right in another. That is my fundamental background in those two countries, although I have studied Rwanda, Uganda and the Democratic Republic of the Congo very carefully.

Let me say firstly about NEPAD that this is a critical development that has to succeed. This is quite clear I think from my own side and from all of us. There has to be a total commitment to NEPAD. Having said that, I believe that we have to look at past practices which where not successful and avoid the danger of repeating past mistakes within this new process called NEPAD. So if past attempts have failed, let us see why and how we can do it better. For NEPAD to succeed, we have first to solve conflicts in our continent or find ways to manage them better. I believe that we need to change our approach to peacemaking in Africa. We cannot continue as before, imposing solutions and interventions as the colonials did. That is my basic approach.

The African Union is like a body. The body comprises various organs, which are the different countries of Africa. If the organs of the body are ill, the body is also ill. I believe we have to look at countries in that continent that are sick, have conflict, have problems and we need to deal with those individual countries and help them to resolve their own problem. Only then can they positively contribute to the collective called NEPAD and the African Union. I think that this is a fundamental issue. The unity of our continent is correct, it is important, it is critical, but at the same time we also have to see which organs are sick within our collective African body.

South Africa taught me what a genuinely good process was and is. The peace process in Burundi taught me what a bad one is. So I have had these two contradictory experiences and I will share some fundamental lessons, which I have learned from those two: why the South African's one succeeded and why the Burundi process was not founded on good principles.

The first requirements needed in practice are a minimum amount of genuine trust and confidence between the conflicting parties. If there is no minimum trust and confidence, they will not negotiate. They will grandstand and they will never reach agreements. You will have to force them. That is eventually what was done in the Burundian case. The parties developed no confidence, no trust and eventually the facilitators, both Mwalimu Nyerere and Madiba, had to force the parties to sign things that they did not want to sign because they did not believe in and therefore do not honour them.

In South Africa we had five years before we formally started negotiating. From about 1985 to 1990, the opposing parties met one another very secretly practically on a daily basis. Especially the security personnel of the Apartheid regime and of the African National Congress where they tested one another to see "are we able to trust one another?" "Are you, Mandela, a genuine communist? Does that mean you eat women or children?" Those were the horrible prejudices that these people had. Only by meeting quietly, without cameras (no public meetings), did they develop a minimum amount of trust that maybe helped De Klerk and Mandela actually find common ground. Only once they did that were they able to go public and negotiate in public and know that it could possibly work.

I compare negotiations to what I call courtship. When two parties have a conflict, if you do not follow the usual courtship process, you will fail. You have to move slowly. You do not say to the woman you take out the first night "Would you like to marry me and I'll choose the church tomorrow". There is a logical process. It is organic. You never know if she will say yes and you wait for the right moment but you never know whether it is yes or no. Negotiation has to be similar. The parties have to genuinely and eventually want to reach an agreement. We have forced parties in Africa to sign peace agreements that are just a piece of paper. In our own interest as a continent, can we stop doing that? A peace agreement was signed in Burundi on 2nd December. More people have died in Burundi since 2nd December than in the previous year. But there is a cease-fire in Burundi, signed by the rebels, the Burundian government and the army! Let us make sure that when

people sign the contract, like when they sign a marriage agreement, they do not go separately to a lawyer at the same time to prepare the divorce contract. That is what I believe is happening permanently.

The other very important principle that I referred to briefly earlier is one related to the need to restore the link between the leaders of our continent – who some people refer to not as leaders but rulers – and our peoples. Many peace processes do not create a situation for the leaders to engage their population. Much more could be done during processes to help the political leaders to meet with their own people. Unless this happens, you will have leaders negotiating an agreement and at the end you will have an elite agreement between some politicians. It will not be legitimate among the population. It is not in the interest of the country and especially in the interest of the leadership that they should be cut off from their population.

There was a fantastic link between leaders and peoples in African traditional society. It was a highly representative democratic link. It was destroyed during colonialism, during slavery, during the Cold War and since then by the international monetary organisations. All those organisations deal only with the leaders not with what the people want. That is an issue that I wanted to put higher on the agenda. We have to deal with that if we want to resolve conflict successfully in the interest of NEPAD.

The other one is that your negotiations have to be inclusive, totally inclusive. Every party should be invited to participate, because anybody who is excluded is tomorrow's rebel. It is useless to negotiate as we did in Burundi with only the politicians. The rebels were not in the peace process. They have only recently come in and it was a little bit late. The damage had been done. We need to bring them in.

In South Africa, Mandela negotiated together with his Mkhonto we Sizwe as well as De Klerk with the Apartheid Army. It would have been useless to negotiate without the Apartheid Army or the Mkhontho we Sizwe. The principle is inclusiveness because all the conflicts on that continent are caused by exclusion. Exclusion, I believe, is the

foundation, as said by my colleague, of many conflicts. Exclusion is the source of 90% of our conflicts. If you start a peace process you really have to deal with that vacuum already. That is where I believe we, again, do not do enough to ensure that there is a total inclusiveness in our processes.

The other point I want to stress very strongly is that the negotiating process must be owned by the parties. The Burundi process, the Ivory Coast peace process must belong to the conflicting parties not to outside countries, not to the facilitator. If the parties do not believe this is their process, they will be unwilling participants. If they consider it is their process they will have to accept failure as being their fault instead of blaming the facilitator. And if they succeed they will take the credit, not the facilitator. I think it is very important that we stress again that fundamental principle of ownership.

It is also important that the parties find their own facilitator. I think that is also very important if we want a good process. The venue should be inside the country and should not be in Sun City for the Congo. Because again you break the link between the negotiator who is supposed to represent you and the mass of the population who is sitting in Congo waiting for you to come now and again and tell them what you are doing. When possible, people should negotiate inside their country.

Then on facilitation. If the parties cannot find an internal facilitator and they have an external facilitator, fine. But I think we will have to change the composition of such an external facilitation process. Firstly, every former head of state in our continent is being thrown into the role of facilitator. Most of them know nothing about facilitation. They were very good negotiators, they were very good bullies, and they were good arm twisters when they were negotiating against their own opponents. But sometime as facilitators they become autocratic. They do not listen to the parties. It is not fair to use Malwimu, Madiba in processes where they might fail. What we should do is to have these leaders as the patrons of the process, with the status of bringing all the parties together, then put together a team of experts who know what

facilitation means and let them do the job for the figure head, or the patron. I think it would be ten times more successful. Ask former president Masire how the Congolese gave him daily nightmares. It is not an easy job and there are people in this and other continents who are trained for it.

The last point I want to stress is not the least one. People do not analyse conflicts well enough. How can a doctor operate on you without a proper diagnosis, analysis of your condition? Much more needs to be done to understand what makes the patient sick.

You have gangrene on the left leg but he amputates your right leg. That is what happens. We cannot help countries by pontificating from a distance, without trying to understand the country and its people. If we do not try to understand the country and its people's problems, we will not have any compassion or empathy and if a doctor does not have compassion for his patient, the patient will die.

Lastly I am very worried about the New World Order. The whole practice of peacemaking as I know it and all of us who know about peacemaking, the fundamental principles on which peacemaking is built are being destroyed by one superpower deciding that regime change should be done violently. I think we have to bear in mind the possible consequences that it can have on our own countries, on our own continent, where people are going to say "Well we are also going to use force to get rid of the people we do not like." I am very concerned and I leave that as a last thought in the 17 minutes I have misused. Thank you.

Lindiwe Mokate
Chief executive officer, South African Human Rights Commission

"The Prevention of Conflicts from a Human Rights Perspective"

Being an African, I come from a culture of storytelling. So I will start by relating a very short story: the story of the Food Pyramid. Once upon a time lions and cows crazed together until, by accident, the lions acquired a taste for meat. Unfortunately this led to much killing and eating amongst the lions in the pursuit of this acquired taste. However, after much dialogue amongst the lions, the cows were identified as the source for the satisfaction of this new taste. Some cows unfortunately assisted the lions in this respect. Fortunately for the cows, after much dialogue among the lions and later with the cows themselves, the lions began eating grass once more and both the cows and lions lived happily together again. At the end of the story, one hopes of course that the new generation of lions will not acquire a taste for meat again.

On the issue of conflict, it is quite clear that all human societies in all continents of the world have been victims of conflict in one form or the other. So it is not just a phenomenon confined to Africans or to the African continent. Behind conflict, you often have a violent struggle for the control of resources and also lack of respect for human rights. These are two common denominators around the issue of violence, as the story of the Food Pyramid indicates.

As it was pointed out earlier on today, the formation of the UN itself was actually a response to the atrocities of wars in the Western world, the First and Second World Wars. The Universal Declaration of Human Rights, which was then adopted, declared that human rights are the foundation of peace security and stability.

Sadly for the rest of the world, we still continue to be ravaged by conflicts, especially in Africa. Does this mean that the UN structures and the Universal Declaration were formulated and mainly geared for

the Western world at a particular time? Of course all of us are aware that during that period the majority of Africa was still colonised.

Having said this, it is very clear that failure to recognise the sanctity of and respect for human rights is the major cause of violence. This morning, the honourable speaker of our parliament raised a challenge as to what role parliamentarians should play in creating a human rights framework to ensure that we prevent future conflicts in the continent as well as anywhere else. She pointed out that parliamentarians themselves could play a very important role in this regard.

I would like to highlight the mechanisms that could assist parliamentarians in creating such necessary framework in the African context. The previous speakers made reference to structures like the Pan-African Parliament and programmes like NEPAD, which can play an important role in enhancing the promotion and the protection of human rights in Africa, and therefore contribute towards the prevention of conflicts in our continent. There are also other structures under the African Union, which still have to be looked into, like the African Commission on Human and Peoples' Rights and the African Court for Human Rights. It is actually, let us say, indicative that, at this point in time, the Protocol on the African Court for Human Rights has not been ratified whereas many African countries were very quick to ratify their own status for the International Criminal Court.

At the national level, you also have national institutions for the promotion and protection of human rights such as the human rights commissions. Ourselves, in this country, we have a fantastic organisation, which is called the South African Human Rights Commission, which falls under the Chapter 9 of our constitution and deals with democracy. The Human Rights Commission in South Africa has a very important role as far as human rights are concerned. Section 18043 of the constitution actually mandates the Human Rights Commission to monitor how socio-economic rights are being realised in this country. The Commission also has other statutory obligations like monitoring the right to access to information, which is also a very important right as far as democracy and human rights are concerned.

We also have the equality legislation monitored by the Human Rights Commission. These are examples of how institutions like this could also contribute towards the promotion and protection of human rights.

At this point in time there are already about 23 similar human rights commissions established in several African countries. But not all of them are really doing fantastic work. The efforts of our Commission to try to co-ordinate the work of those Human Rights Commissions has led to the creation of a Forum of African National Human Rights Institutions. The Secretariat of this Forum will actually be established in the Human Rights Commission of South Africa for the next three years.

Civil society can also play an important role and meaningful partnerships should be established in this regard.

Now of course these structures pose the following challenge for parliamentarians: how should we use these existing structures in promoting and protecting the human rights in the continent and therefore minimizing conflicts? But as it has been mentioned that all the major decisions cannot be left to government, it is also important to say that not all major decisions can be left to parliamentarians. All of us as Africans as well as members of the international community have to play our role in this regard.

Now I would like to conclude with a few points.

As earlier speakers have said during the morning and then to date, this Forum of dialogue has to be productive. It has to be very honest and looking into the major causes of conflicts in the continent. As we all know, conflicts have many causes, internal as well as external and I think the dialogue should really focus on some major issues and roots of conflict like the arms trade.

Except for South Africa, not many African countries can produce arms. Now where do these arms come from? They definitely come from somewhere. The major arms exporters at this point in time are the US,

Canada, France, Germany and Britain. This issue has to be discussed. If we all believe that human rights are universal, that the people of Africa are also entitled to a conflict-free society as part of their right to human rights, then how do we adjust this? What is our contribution as people from the outside of Africa in the promotion of conflict? Why cannot we make sure that arms trade in Africa, which contributes a lot to conflict, is minimised? Few years ago during the Ethiopian and Eritrea war we were told that Ethiopia was spending something like 1 million dollars a day just in arms and today there are about 11 millions Ethiopians who are facing starvation. The country cannot manage to feed itself. But we all know that one of the major causes of capital outflow from the continent is leading towards the purchases of arms from the West. This is an issue as I said which the dialogue should really also need to address. Of course as other people have mentioned earlier on today, issues of trade and development have to be looked into. Not many Western Countries signed the declaration on the right to development, the US actually refused to sign this. It is also a challenge.

Now going back to our own continent, there was also a reference this morning to the protocol relating to the establishment of the Peace and Security Council of the African Union, which was adopted on 9 July 2002. It really has major provisions on the issue of conflict and I will refer you to article 3 "The objectives", article 4 "The principles", article 14 "Peace-building" and articles 18 and 19. However, some other people have mentioned this morning that this protocol is not yet entered into force because the majority of African states have not yet ratified this protocol. It simply needs a majority of the members of the African Union, which is really around 27 signatories, and yet it has not been ratified. Now what does this also mean in terms of our leaders' commitment, our honourable parliamentarians, bodies like the human rights commissions and civil societies towards the prevention of conflicts in our continent?

Finally Chair, I also want to emphasise the point that other people have mentioned, not just here. Actually I wanted to change the topic into "Prevention, management and resolution of conflict and the implementation of a regional framework favouring human rights".

From the time the OAU was established, when we had the African Charter on Human and Peoples' Rights, we had a human rights framework that if implemented could really have gone a long way in minimising conflict in our continent. But to a large extent, we have not really committed ourselves towards implementing this framework. We continue, Africa is very popular in this, we continue to ratify international human rights instruments as they come but, when it comes to implementation, we are doing very badly. I had an opportunity to go to the African Commission session last year in Gambia. Many African countries have not even fulfilled their reporting obligations to the African Commission. There is really a challenge for all of us, which is to look at how we can improve the existing human rights framework. We really have to stop talking and take more action daily and implement human rights provisions in our continent if we are really serious about preventing armed conflicts. Otherwise we just keep on talking and have more dialogues one after the other until we are blue in the face. Thank you.

Alberto Francisco Tunga
Secretary General, Platform of NGOs, Angola

"Cultural Identity and Conflict"

I am one of the Africans marginalised by language. I am not Francophone or Anglophone nor Lusophone. I am Kicongophone so I cannot communicate in my language with you. I am sorry for this for Africa because it brings many questions such as "where are we from and where are we going?" Nobody can raise his identity when he has no language and no name.

I am one of the survivors of the Congo Kingdom. My ancestor was the first king to establish a relationship with a Northern country in 1512. He received the first Portuguese and negotiated the first relationship between Europe and Africa with them. He even established the first African ambassadors in some countries of today's European Union, like Belgium, France, Italy, Portugal and Germany. But later, when he asked the Portuguese who were sponsoring the slave trade, to stop this process in 1543 – because our society was becoming very poor – the Portuguese said to him, "No we will continue because we have to send new goods to America". He was in a coma for five days and two days before he died, he said to his people "I am dying today because I have asked our partners from Europe to stop this slave trade. They told me that if we tried to stop them, they would bring some troops from São Tomé Island and Cape Verde and invade us. That is the reason why I have accepted their conditions today. Maybe in 500 years from now someone will come and be able to negotiate with our European partners on an equal basis." Once he had said this, he died.

When we talk about establishing a new role for civil society in the reconstruction of Africa, in its identity, I think we have to analyse carefully where we are coming from, with our partners and where we want to go. My feeling is that what is happening now is the same project that started 500 years ago and continued at the Berlin Conference in 1884. We are not yet ourselves. How can we agree to establish a good relationship or a new institution, the African Union,

without analysing where we have come from? Maybe our leaders were not prepared to lead our countries. Maybe nobody is educated to become a leader. What is happening in my country and in other countries is that all the prices of our natural resources, mineral resources, oil, diamonds, and so on, are fixed by the North. This is the only place where those who are selling cannot fix the price while those who are buying fix the price. Can we say that the minerals of our countries are in African hands? We belong to these lands, but the minerals do not belong to us.

My third point is that when we have problems with African leaders, they leave for America or Europe and use all the money they have taken from our people. Multinational companies belong to the same people who are in power. On the other side they are establishing human rights partnerships. So where is the baseline for human rights?

My fourth point is that we have the problem of education. If we want to educate African people, we have to educate ourselves in our basic anthological language. We have many languages Swahili, Ki-congo, Zulu, etc., and we are the ones who refuse those languages in our own universities. I have not yet heard any leaders proposing new education for the African Union. Leaders and Parliamentarians forget that Africa has a memory that starts with the traditional authority. They have to take part in the building of the African Union.

My fifth point is that you cannot start a new project without an evaluation of the former one. We need to monitor the AU and constantly evaluate its progress. I repeat we are coming from a long way. Our relationship with the North started 500 years ago. We are not yet ourselves.

Jimi Adesina
Professor, Department of Sociology, Rhodes University, South Africa

"Human Security and Conflicts in Africa"

One of the perplexities that I have noticed in the current discourse on Africa is the extent to which even our leaders are becoming victims of Afro-pessimism. We are so obsessed with Mobutu that nobody remembers that there was Nyerere. I think I gave up on NEPAD in its very second paragraph when it refers to Africa's essential backwardness and poverty. I can understand the use of the word poverty but backwardness is something entirely more cultural. I could not understand how African leaders could sign that kind of document.

Let me try, and I think that Victoria hinted on this, to approach the issue on the table from the point of view of human security and state crisis. What I would like to throw in for consideration and reflection is this, "Is it a coincidence that the escalation of violent conflicts in Africa took place in the same period as the horrendous consequences of structural adjustment programmes in Africa? Is it a coincidence?" I would like to put this issue in terms of the question of human security and understanding the economic basis of the disintegration of states in Africa.

Very often, we tend at national levels, and leaders are very keen on this, to talk about the commitment to the state. But I would like to argue that the extent to which individual citizens feel a sense of commitment and obligation towards the state is sometimes a reflection, a mirror image of the extent of the commitment of the state to the whole livelihood of survival. It is easier for people to feel a sense of obligation towards the state when there is a perception that the state bothers upon their livelihood of survival.

One of the remarkable things that have happened in the eighties and nineties is the extent to which the long wave of economic liberalisation involves the disconnection of states in Africa from providing the basic

social services. During the sixties and seventies, there was a certain basic commitment to the provision of primary and secondary education. For those of you who probably went to school in the sixties and seventies, you could see generations from very poor backgrounds who had access to university education only because they came first, second or third in the local government examination and therefore had scholarships to go and study. What happened in the eighties in most African countries from Tanzania to Nigeria was in fact that the state abandoned its limited responsibility to its citizens.

The results are there. If you look at the figures between 1987 and 1998, 73.8 billion people were below the poverty line in Africa. There was simply nothing called a safety net. And this crisis has even affected the language of poverty. First, we were talking about poverty alleviation and then came the term poverty reduction, which we are all dragged into now. It is an attempt to assume that African states can, in fact, behave as if they were European states. In other words, poverty reduction is something you do when poverty afflicts only 4% of the population but 96% of the population is productive enough for you to take resources from them. In fact what is happening in Africa is the need to rebuild the productive capacity of our people.

The result of this situation in many cases was that the citizens became disconnected from their states and had no reason to be committed and no reason to have a sense of obligation towards their state. I would like to add that while we talk about the human rights approach, the crisis of human security in Africa will continue, in spite of all the money we are going to put into peacekeeping missions. As long as democratic governance cannot free people from hunger, there will be no commitment towards the state.

I would also like to look on the debt crisis issue from a human security point of view. The debt crisis remains the most profound crisis faced by the African countries. This does not mean that there is no corruption. A particular example of whether there is corruption or not, is the case of Nigeria, which in its 1999 budget spent, 18 times the amount it spent on education and health on debt servicing. In fact, the mission of donor

countries to Africa is so ridiculous because over the last 20 years Africa has been a net, a transmitter of resources. So Africa has been the donor to Europe, IMF and the World Bank. In fact, some of these institutions need to maintain the debt crisis because it is part of their own income. The implication on the ground is that human security is almost next to nothing. That fragility of the livelihood of ordinary people underscores the fragility of commitments towards the state and the fragility of commitment towards the state makes instability almost inevitable.

What is there to be done? This is the platform for dialogue. I just want to flag a few things. I think a North-South divide on this actually is a false dichotomy. Because there are allies of ordinary people in the North and there are allies of the dominators of the North in the South. I think what we need is a global coalition of a different sort, not trying to create a band of petit-bourgeois, something for someone who wants to become a bourgeois and drive a Rolls Royce, BMW or something. It is a coalition on behalf of the poor, because they constitute the bulk of our people.

James A. Msekela
Parliament of Tanzania, Dar Es Salaam, Tanzania

"The Role of Parliamentarians in Peace Building: Experiences in Tanzania and the Great Lakes Region"

Thank you Chair. I was asked by the organisers of this Conference to talk on the role of members of parliament in peace building with a view to particularly sharing experience in Tanzania and the Great Lakes Region. That is a great honour and I am privileged to be here and to present this paper.

Looking back into recent history, one can say that conflicts were indeed there in Africa during the cold war. However, while the end of the cold war is often credited with an increase of democracy, and mushrooming of democratic governments in the world, conflicts became more widespread in Africa in the nineties. In my view, this is because Africa has been further marginalised with the advent of the new world order from which a new geopolitical balance of forces as well as the new international economic order emerged. It has to be said that the spread of conflicts in Africa is further fuelled by economic decline. This has profoundly contributed to inability to provide basic levels of policing and hence weakened state authorities. In extreme cases of increasing internal conflicts, warring factions find more ground to thrive and the civilian population increasingly becomes the target and subject of violence, abuse, and social and economic distress, resulting in calamities and massive displacement. It is perhaps the same reason of economic decline in many African countries that also fuels regional conflicts.

The context and the causes of conflict

For an effective response, it is an imperative that the context within which a conflict occurred and is operating is well understood. Similarly for the successful implementation of a solution to a conflict, the causes have to be clearly known, sufficiently addressed. According to some

experts, four distinct types of conflicts can be distinguished: first conventional warfare, second factional warfare, genocide and ethnic based conflicts and lastly, the fourth, is regional conflicts. While the first and fourth types are essentially inter-state and make use of heavy, expensive, high tech arms and are thus very costly, the second and third types of conflict are intra-state and usually not as costly, as they use low tech and small arms even knives sometimes. All this results in human tragedy of the very people the conflicting sides claim to be protecting. The main elements of this tragedy will be loss of lives, lost homes, lost livelihood, increased civilian casualties, mutilation of non combatants and increased levels of violence, abuse, refugees and internally displaced people. Conflicts will also have an impact on the environment and economies, cause loss of infrastructures and contribute to unsustainable debts. Causes of conflicts need to be well known as they enable and sustain conflicts as well as the barriers that may hinder a solution or resolution. According to experts, causes of conflict are classifiable into root, secondary and tertiary causes. These causes may vary to include historical factors, scarcity of resources like land and water rights, a scramble for natural resources like oil and minerals, and economic decline leading to unfulfilled promises of more jobs, better wages and improved public services. Africa's wars are also a consequence of massive debts, unfavourable terms of trade and exclusion from an increasingly complex, technology-based, globalised economy. Bad economic management, corruption, and dictatorships weaken states and the states collapse. But which of the three pillars, if I may ask this question, of a state is likely to be a perpetrator of conflict? Well as a Member of Parliament, I definitely thought that was a genuine question to pose.

The role of members of parliaments in peace building

We all know that a building is usually erected starting from its foundation and we can also tell when the building is completed or the building work is completed. With this analogy, where in a conflict does one start to build peace? And is it possible to have peace built? I think that is a question one should ask, fairly. My contention is that just as conflict is part and parcel of who we are, it is not possible to fully avoid

conflicts. We need conflict, just like we need to exchange our views but now the level of conflict, I think, is what we are addressing here, which is the other scale. So, all we need is to continually make the best out of it. Peace building is thus supposed to be part and parcel of the culture of any civil society; it needs to be repeated that the presence of true democracy is a pre-requisite for a successful peace building culture in any society and that the presence of democratically elected representatives is a manifestation of that true democracy.

However, in many African countries the weakness of parliaments in relation to the executive branches is a central obstacle to democratisation, where in presidential political systems the power of the opposition in influencing political decisions is often marginal. In a vibrant democracy, a whole functioning parliament oversees the executive. In addition to its role as a legislator, it is also a keeper of political order and rule of law and a provider of full political representation, choice and competition. This makes parliament prominent and therefore the most fair and perhaps the only channel for communication between frantic groups. Furthermore, a national consensus on commonly held and inclusive values is paramount to the peace building process.

A parliament is an institution where such a consensus can be realised, in fact a parliament that is representative and accountable to the people is in essence a depositary of democratic values and practices as well as their guardian. An ethnically heterogeneous society can be realising and truly vibrant in all functioning parliamentary democracies. So I would say that the role of members of parliament in peace building starts with the business of the house by simply ensuring that all they do there represents the national consensus on commonly held and inclusive values. After the house, members of parliament should not wait for an invitation in order for them to engage in working out a solution to a conflict that has been following their people; they have to take a more active stand now, working out a solution within the confines of the law of the land. Remember that members of parliament are expected to advise the executive on the implementation of an inclusive solution.

Now, I have some few experiences to share from Tanzania and the Great Lakes Region here. And, Chair, I am very glad that with us here we have a member of the regional executive committee of the Amani Forum. I think he will be of great help when we need to know more about the regional effort by members of parliament here.

On a general note, apart from fulfilling their constitutional duties, the Tanzanian members of parliament who represent about 129 cultures in the House have continued playing pivotal roles in peace building or rather in enhancing the culture of peace and tolerance within such a diversity of cultures. Members of parliament have been doing this through the base in the house and importantly through the inclusive manner and brotherly ambiance in which the debates are held. However, this does not mean that difficult and potentially divisive questions never arise in the house; it is the accountability to the people they represent and the responsibility with which members of the house tackle such difficult issues that make up the peace building effort from each of the members of parliament. Here, it has to be said that courage and wisdom make the difference.

In the case of Tanzania, the peace-building role of members of parliament is part of the house's business. It is also made easier with the unifying power the Kiswahili language has within the diversity of the 129 cultures in the country. I have been to societies which are divided by language and sometimes we from Tanzania fail to understand this because we have so many languages, tribes, 129 tribes, but still we manage to coexist peacefully. Sometimes we do not even realise why or how it happened but great researchers will tell you that the diffusion of culture through the Kiswahili language has been very important. Here I want to stress, on what Mr Tunga said, that you have to accept and recognise yourself. And this happens better when you think what you are accepting does not necessarily belong to a particular person. That is actually the story with Kiswahili; Kiswahili seems not to belong particularly to a certain group of people. People may claim that they are Kiswahili but actually Kiswahili is like a universal language and it naturally comes from so many languages in the world as well.

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So after the House, some Tanzanian members of parliament have also individually initiated successful man-to-man contacts with members of parliament and leaders in executive branches in the neighbouring countries where there are conflicts. The thrust behind these initiatives mostly hinges on promoting trust and in possible friendships between the leaders themselves and I think this point has been mentioned here. If you want to build peace, first make the other side believe that you really mean what you say. Here, we already have some members of parliament in Tanzania trying to do this on their own but of course also as a group. And usually, when we go out as groups, we do not go as a special body of parliament that is official. We go as an association of friends who agree on how best they can do whatever they want to do.

Now these efforts have given members of parliament opportunities of offering an outsider's objective view in building peace between the conflicting parties in neighbouring countries. I cannot cite examples, but we believe that we have been having a very tangible input in this area by simply establishing man-to-man contact and trust. This has been done in several ways. One way I can remember is what is called "breakfast prayer". This has taken place several times in, for instance, Rwanda and Burundi. And actually some of us were surprised when we were able to talk to Buyoya. The only face we knew from him was what you see on the TV, when he is very, very macho. When we saw him we realised he was a normal person. You only have to know which button to touch and you do that. This is what we are trying to do as members of parliament on an individual basis.

On the Great Lakes level, the concerted joint effort in peace building within the region has been mainly challenged through the Amani Forum. Amani is a Kiswahili word for peace. The Amani Forum is a parliamentarians' organisation dedicated to the prevention and resolution of conflicts within the region. It brings together members of parliament from Burundi, Rwanda, Uganda, Kenya, Tanzania and Zambia and it has chapters in each of these countries. The Amani Forum has been involved in several efforts so far, including monitoring of the elections within the region and fact finding missions followed by

reports with recommendations to the governments and other stakeholders in the conflicting areas.

Now in conclusion, Chair, I wish to reiterate that there is a great need to involve civil society in the search of solutions to conflicts that touch our lives, directly or indirectly. The best way of involving civil society is through their representatives, individuals or institutional, members of parliament. Big, trusted leaders of their communities are best suited and indeed have a great role to play in peace building. They can do that through discharge of their constitutional obligations as well as outside house business, through their individual initiatives in a caucus like the Amani Forum. I thank you, Chair.

DEBATE

Thank you to all the speakers for their really fresh, exciting, provocative presentations. The first speaker, Victoria, took us through trying to understand the causes of conflicts, the four major causes and then took us through the relationship between human rights and conflict management, arguing that human rights violations are both the cause and the consequences of conflict. When we speak about the need to create an enabling environment to draw human rights issues around the constitutional design, local design, local actors, there are structural arrangements that have to be put in place.

Jan Van Eck then attempted to speak about the limitation of lessons learned and to go through seven basic lessons that he was able to pick up from a comparison of the Burundi peace process and the South African peace process. I think he cautioned as well that, in his own experience, when people take the lessons to be learned, they often do not learn the lessons but prefer to learn from the pain of experience, though I think these are very useful as well.

Lindiwe Mokate expressed the hope of having lions as herbivores. I am not sure if it is not a pipe dream, but it is certainly something that we can aspire to. Then she spoke about the link between human rights, peace, democracy and stability and brought up some mechanisms that could be of assistance including structures provided by the AU or the African Court, the role of the Human Rights Commission both at the national level and at the regional level. She also spoke about internal and external causes of conflict. She raised some critical issues regarding the protocol around the Peace and Security Council and suggested quite powerfully at the end that what we need to do is not to create a regional framework but to implement the existing one. I am sure there will be some thoughts about that.

Mr Tunga spoke powerfully about Africans not yet being themselves and the need for us to ask ourselves who the African person really is. I

think it connects in some respects to what the Ambassador said before lunch. In that context, he spoke powerfully about education in the sense that he called for a new education for the AU. He also raised certain questions about how we quite easily embark on new initiatives without evaluating existing ones. I think that point was touched upon.

Jimi spoke about Afro-pessimism and I think quite early in his presentation he keenly stated his reservations about NEPAD and I think justified his view with regard to the use of terms like the backwardness of Africa. He took us through the changing nature of the state from the sixties to the eighties and the kind of disconnection between the state and people and then put it in the context of the sense of human security or perhaps human insecurity. As long as such human security, insecurity, whatever you call it, as long as this continues, the state continues to be fragile and that is a sort of basis for conflict. He was quite strong in his views with regard to the World Bank, the debt crisis and the way policies are imposed and I would go on to say that he argued that, if democracy delivered hunger, then realistically there could be no commitment by people to that process and he therefore saw it as a giant process. Individual commitment to the state is, in a sense, proportionate to the state's commitment to the world behind that individual. I think these strong issues of human security emerged.

The last speaker was James Msekela who dealt with some of the causes of both interstate and intrastate conflict and then spoke about the important leading role of parliament as an institution but also the role of parliamentarians as distinct from parliamentary institutions. The role of parliament is structured as overseeing the executive but is also an important depositary of democratic values. I believe it can only be such a depositary as an institution. It reflects these values in the way it operates. Then he went on to speak about how work in the house and work outside the house advance the cause of peace and the resolution of conflict. I think it was fascinating for us here when he spoke about how 129 cultures could be united by a common trade of a language that was not associated with any particular culture, and certainly that was valuable. But he also touched on the issues of trust and friendship as the basis for resolving conflicts. I think that is something that Jan spoke

about as well. Finally he left us with the initiative of the Forum, which is a parliamentary initiative, and it crosses nations in terms of the work done in the Great Lakes.

Certainly I think you would agree that these presentations really were much food for thought. Just before we open up for discussion, there will be approximately three minutes input from Mr Schumina to build on the input of the Honourable James Msekela.

Mwitila Shumina
Parliament of Zambia

Thank you very much Chair. I just wanted to add one or two points pertaining to the role of parliamentarians in the Great Lakes region vis-à-vis the issues of conflict resolution and peace building and what our experience has been.

Firstly, as parliamentarians, we realised that our colleagues in the executive often go to international forums, meet in their cabinet meetings and decide to go ahead without prior consultation with the structures on the ground dealing with peace issues. We strongly felt that as elected representatives of the people, we were directly in contact with the people and we had a big responsibility in the process of peace and conflict resolution. So, in 1998, some of us from Tanzania, Uganda, Rwanda, and Zambia decided to meet in Kigali, and established what we now call Amani or the Great Lakes Parliamentary Forum on peace. The benchmarks are that we should not be only involved in conflict resolution, but also in early warning as well. So we do country studies. For example, last year we were in Kenya and we did a survey just before the elections in an area called Transmara and Kivera. Those who have been to Eastern Africa know that Kivera is the remotest slum in the city, it is about one hour from the centre of Nairobi and it has about 1 million people. They even have what they call flying toilets. In other words, they are where people can relieve themselves in a plastic container and just throw it away.

So we went there and did a survey prior to the election. Our objective in early warning is to alert the executive that although "you are talking well about saving your country and your policies and your programmes, these are some of the problems that you have in your country." That is the first approach.

The second approach is the actual interaction with the people concerned. When we had the problem in Tanzania after the election, we actually went to Zanzibar to meet with the members of parliament who were involved in the conflict and brought them together in Mombassa, sat down with them, and talked. That is the second approach: actual interaction and meeting African people on the ground.

Our third approach is training. We believe that you cannot talk about peace when you do not even understand the peace initiatives. So what we do is we help the members of parliament who are involved in this programme to get exposed to and be taught by professionals on matters pertaining to peace so that they can actually help the other members of parliament to understand the concept of peace and the tools that they need to use when they meet people on the ground.

We believe, on our part, that we have to be action-oriented; we have to work on the ground instead of just talking and leaving it at that.

Bishop Denis Sengulane
Christian Council of Mozambique

Thank you very much. I want to congratulate all the speakers. I have two points to make. One of the questions is about all of us. I ask this question as an African and also as a church leader. As Africans, we are very much concerned with the family as the centre of almost all our lives. When we think in terms of human rights, my question is how we can institutionalise human rights within the family. I ask the question because I have noticed with great sadness that it is in the family that so many aspects of human rights violations happen: rape by family members, domestic violence, alcoholism, and so many other things that happen within the family. We need to reflect on this as we think in

terms of human rights, institutions to strengthen the family in observing human rights, not to replace it.

The second point is really a reflection on the causes of conflict. Armed conflict has impoverished our continent and indeed our world. I see three reasons for armed conflict:

One is the economic hardship. When there is economic hardship, you think you would like to reach out; then there is a very fertile ground for armed conflict.

The second is the lack of dialogue, whether out of ignorance or deliberately when there is a refusal of a real dialogue. Then you are in for trouble.

The third one is the availability of guns, of instruments of violence. I think this, I mean a gun, is a very bad advisor. Once you have got it, you have to use it; you have to find an enemy. It there is no real enemy, you have to invent one who may end up being your wife, your son, your daughter or even yourself. We cannot ignore the need to disarm those who are unnecessarily armed. It seems to me that the question of disarmament or transforming swords into ploughshares as we call it in Mozambique is something which should be very much on our agenda when we think in terms of democratic governance, in terms of human rights. What is our programme for making sure that this is part of our endeavours?

Lindiwe Mokate
Chief executive officer, South African Human Rights Commission

Thank you, Chair. I do not want to be discouraged like Jimi on the second page of NEPAD. I hope there is still something that can be done because NEPAD is supposed to be a family based on human rights. But it is true that, when you go through this document on NEPAD, there is very little about human rights. One of the things that I do not see for example is encouragement for the various countries to establish human rights institutions. A lot of people see these institutions as just

monitoring what government is doing and causing trouble. But there is a role well beyond that for human rights institutions. They have the role of advising governments, being partners to governments.

Conflict, as somebody said, does not just develop overnight. Conflict, the development of conflict, in most cases is a long process. During that process, there are human rights violations. By the time conflict reaches a peak, human rights have long gone, I mean, violation of human rights has also reached a peak. If there was attention to this within NEPAD, within the NEPAD structures, it would serve very good purposes.

Of course our colleagues in NEPAD should not only be encouraged to establish human rights institutions but they should also be paying attention to the way these institutions come about, so that we have credible institutions that are independent and can be of use not just to governments but also serve the general population in those countries.

I would like to say also that it would have been important in fact for some of us to see – I am not about to criticise the APRM or anything here – a credible way for people in NEPAD, for echoes when things do not go right. We do feel that there needs to be a way of making people accountable and I am not sure that what is in place now is adequate.

For instance, earlier on, Professor Türok spoke about the role that the constitutional court has played in this country. I have been sitting here trying to think what would happen if this was within the AU and there was a state that had committed serious violations and somebody needed to go well beyond the borders of their own countries. I do not have an immediate answer to that. For me that compromises the effectiveness of the approach that has been taken.

Another speaker also spoke about the Vienna Declaration and the need to develop national action plans for the different states to be able to account for their actions and say exactly what actions they have put into place in order to implement human rights in their own countries. There must be something within this structure that is going to make people accountable for what they do and what they do not do.

I work for a Dutch Foundation, which is specialised in ACP-EU relations, the African-Caribbean-Pacific group. It is called the ECDPM (European Centre for Development Policy Management). One of the jobs we have been working on lately as a consultancy service for the European Commission is the relationship that should be developed between the European Commission and the African Union Commission. This whole debate that you are having here is extremely instructive for me because I have had quite a few opportunities to meet officials on both sides. But it is also important to have that complemented by perceptions from civil societies and parliamentarians. I am grateful for the opportunity this seminar provides.

The thing I wanted to comment on or react to is the discussion on the disconnection between leaders and people. This is obviously a major element, a major theme that has come out in this latest round. I think Mr Adesina is right to say that we shouldn't just leave Europe-Africa dialogue to our leaders. It is important for civil society organisations and non-state actors to communicate also.

At the same time, given that we have been asked by the European Commission to advise them on this relationship between the EU and Africa, how to advise the leaders on either side, the officials on either side, when we know that there is a major disconnection behind them, that what they are saying is actually based on a very limited perception of reality and they do not always take into account how the African people as a whole or the European people as a whole see this relationship, this formal relationship between two official bodies. We have been talking about NEPAD and the AU; my anxiety or worry is that the AU is probably a safer bet than NEPAD. Now this ties in a bit with what Mr Adesina was saying. From what I have heard I get the impression that the AU is much more solidly based in the African reality. Alright, the OAU was many leaders and states talking with each other but the AU charter, the Constitutive Act, does provide for quite a

number of mechanisms which I think are particularly important in trying to change that and making the AU rather different from the OAU with more popular safeguards and so on. I am thinking particularly of the ECOSOCC of the Pan-African Parliament, of the Court of Justice.

Some of these projects are hugely expensive and they won't be easy to set up. But they are crucial if we are going – you are I should say – going to change the nature of the AU and make it a more responsible body, which is African and related to African people. To me that is the secret. These are the sorts of mechanisms we also used in Europe.

Going back in our history, the Court of Justice was also extremely fundamental. It is still, but there was a period before the parliament had enough powers, if you like when it was just an inter-parliamentary assembly and people were appointed, not elected, when the Court of Justice played a very important role because there was an alternative to interpreting the treaties. It wasn't just the states that could interpret the treaties. There was another institution, which had authority and could interpret the treaties and therefore call states to account.

We do have an ECOSOCC in Europe but civil society organisations do not find it particularly useful. The reason is that ECOSOCC in Europe works for the trade unions and the private sector reasonably well but not with other civil society organisations. But, on the other hand, civil society organisations have built up quite a lot of mechanisms, informal mechanisms of dialogue with officials and government.

I am just throwing these few comments in but I am very interested in this sort of comparison and learning from each other and I would like to thank you once again for this opportunity.

Fatima Hajaig
Parliament of South Africa

Thank you, Chair. I want to touch on something that we have been really talking about all this morning. But, before I do so, I want to actually agree with most of what every one of my brothers and sisters

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has been saying here. I would like to go back to economic rights. You know, when people are hungry, disease-ridden, and without a vision of a better life, it is very difficult to promote a culture of human rights, conflict prevention and conflict resolution. Saying that this is a dialogue between the Council of Europe and Africa, I think someway or the other, at the end of the proceedings, we need to find a balance between Africa's development, Africa's right to development and Europe's economic self-interest. I mean the European Union spends something like 360 billion dollars a year on their farmers which is more than the whole Gross domestic product (GDP) of Africa. There is something very seriously wrong. I do not think we can any longer sit and theorise about these issues. When you know that at the last WTO meeting in Doha, it was still a developmental round and we in Africa and in the developing world thought something was going to happen. Very soon afterwards came the talks in Geneva. The pharmaceutical companies of Europe and the states retracted their commitment to generic medicines, to the production of generic medicines in the developing countries. So we sometimes seem to take two steps forward and one step back. How long will we continue like that?

In terms of the African Union, I think that, first of all, I agree that we need to build civil society's capacity to intervene. In South Africa, in some respects, we are lucky maybe because we were last in line for liberation. We have learned from all our brothers and sisters in the rest of Africa. In our parliament all our committee meetings are open. We have public hearings on every single bill. It means civil society can participate at all levels before that bill becomes law. It gives civil society bodies a chance to be part of the process and also to be able to own that process and to be able to assist in implementing the laws. The Pan-African Parliament to be established will be an important step in the life of Africa. Parliamentarians from all over Africa will be able to get together on an equal basis and discuss issues, something that we have never had in Africa before. Maybe that was one of the problems of the OAU. But we find that only nine countries in the Horn of Africa have ratified the protocol on the establishment of the PAP.

In terms of ECOSOCC, I think it would be an excellent way to strengthen the organs of civil society in Africa. But I think we also need to find a way to discuss and debate, to find a way and make sure that the ECOSOCC is tangible, linked with the other organs of the AU. Like the Assembly, from right at the top, the Commission, then the Council of Ministers so they interact at the top-level, not somewhere down there.

Mwitila Shumina
Parliament of Zambia

I strongly believe that, as Africans, we need the African Union. If we have a forum where all Africans can sit down and deliberate on these issues –prevention, management and resolution of conflicts, we will actually manage to solve some of these problems.

I will give you a simple example. When the Rwandan members of parliament came to Zambia last week, I deliberately took them to the State House, to Home Affairs, the Minister of Foreign Affairs and the Chairperson of the Permanent Human Rights Commission. Now, when we had a meeting with the Minister of Home Affairs, the Rwandan members of parliament came out strongly that Zambia was keeping as refugees some Rwandans who were involved in the 1994 genocide. They also strongly believed that the Zambian government was coming up with its "Immigration Act" to keep those Rwandans on its soil. That was a serious step and there was a conflict. Then the Minister of Home Affairs explained to the members of parliament that there was actually a tripartite agreement between the United Nations High Commissioner for Refugees, the Zambian government and the Rwandan government stating that they were not going to force anyone to stay in Zambia but would encourage all refugees to go home. After the minister's explanation, the Rwandese members of parliament said, "Look, we had the wrong impression." I believe that, if we had a functioning African Union, the suspicion and the bullring that was going on in Rwanda, in Kigali, would not have existed. We would have met and clearly interacted as backbenchers, because the executive was aware of this,

but the backbenchers who came from Rwanda did not know. So from this angle, I strongly believe that we need the African Union.

We also need NEPAD. There is no way that we can do without finding a solution to our economic problems. It is from this background that we should engage in a dialogue with our colleagues from Europe. What influence do they have to change the economic status quo? What influence do they have for example to tell Tony Blair not to join Bush? We do want to know. In African countries, for example in Zambia, we have cases where the people have spoken so strongly that they have stopped even a president going ahead with some of his plans. Those who followed Zambian politics in 2001 know that our president at that time wanted to change the constitution and go for a third term. We took him to court with the support of the NGOs and parliament stood up and stopped him. He never went for a third term.

We would like to know what mechanisms you have, for example, in Council of Europe parliament to stop certain processes.

Alberto Francisco Tunga
Secretary General, Platform of NGOs, Angola

Thank you, Chair. I have two questions. The first one relates to the issue of the African Peer Review Mechanism. I attended one forum where very conflicting statements were given with regard to whether or not political governance elements would be coming to the African Peer Review Mechanism. I do not know if anyone can answer this confusing puzzle as to whether the African Peer Review Mechanism in its totality will look at economic, corporate and political governance or whether political governance will be set aside?

The second issue has to do with participation. This has been raised a number of times in terms of whether the NEPAD has provided opportunities for public participation. I wanted to find out from Professor Obeng whether anything has been done since these complaints to include civil society, parliamentarians and ordinary citizens in the formulation of the NEPAD programme. I am one of

those who are very doubtful about this NEPAD programme but I have not really given up. I believe that there is an opportunity to push forward. But I want to hear whether these issues have been addressed, because if not we are really talking about the top-down approach that the people have been contesting all the time. Thank you, Chair.

Stella Mystica Sabiti
Centre for Conflict Resolution, Kampala, Uganda

My reaction is towards Mr Jan Van Eck's intervention. In December I was in Mozambique and then I got an urgent call to come back to my country, Uganda, because the government and the military had reached the point where they had to negotiate with one of the rebel groups. We call them rebel groups but I will just use that word, a rebel group or combatants in the bush, as we say. I was totally unprepared but I had to go. To make it worse, in 1996 when I was at the university, newly married and pregnant, Idi Amin's soldiers touched me for the whole day. Now I was going to facilitate peace talks between the government and those same soldiers. I stood in front of these fellows and flashbacks of 1996 came to my mind, so I could have moved this process negatively, you know, against them.

But maybe what I need to hear from you, Jan, is how you take care of yourself as a mediator because it is so draining, it is so emotional. At least this is how I found it. I could not believe it. On the two-hour flight back, I was crying because of the emotion. I could not believe what I had done. I could not believe seeing these former soldiers helpless, and I could not believe seeing my government, the government of Uganda, feeling desperate, I could not believe those soldiers. I mean big names in the military feeling so desperate. All of them looked at me as if I had an answer. I did not have any answers. So how do you deal with something like that? I was crying for more than two hours on that small plane.

When I landed, I called my whole family and all my friends. No one was home. It was a Saturday. People were either at weddings or parties and my kids were nowhere to be found. So again I cried all the way

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from the airport to my home. When I reached home, I got a bottle of rum and downed half the bottle. By the time my kids, my family came home that night I was really out of it. So Jan can you tell us how you take care of yourself emotionally? Because, when you are working on peace, you are taking on everybody else's problems. Thank you very much.

Tseliso Thipanyane
Commissioner, South African Human Rights Commission

I would like to react to the Bishop's question. All African countries, except one I think, have ratified the Convention on the Rights of the Child which states that children should be brought up in such a manner that they become useful members of the community and society. Now the issue is what we have done as Africans to make sure that this actually happens, that we create a favourable environment, which will actually promote peace and not promote conflict. One might also ask what parliamentarians are doing to make sure that their own countries or their own parliaments, which have ratified this instrument, actually adhere to its provisions. The answer is we are not doing well. But I think the long and the short of this is that war has actually benefited those who pursue it – especially the ruling elite – at the expense of the poor. The arms suppliers, the food suppliers and those who get mining concessions benefit from war. So it is actually in the interest of many people to continue wars. That is why we have it all the time. Now, the issue really is what do we do about this? As far as the Europeans are concerned, I think they should really consider a law for those European countries supplying weapons of war to Africa.

But the question we also have to ask ourselves is "What have we, Africans, done ourselves to address issues of conflict in our region?" The sad answer is very little, because some of us have been beneficiaries of these conflicts. Today the whole African continent is up in arms against George Bush. I say, well good. But do we ever hear the same cries against conflict in our continent, such as the role of Uganda in Congo, Rwanda, South Africa, Zimbabwe, and so forth. There is silence. There was a coup this week in Bangui and what is happening in

Ivory Coast? And what do we hear? Silence. Now how can we have dialogue with other people when we have not even cleaned our own house? And of course, as the Bishop has pointed out, it will be difficult to go and teach peace to our children because we have a stake in it, in war, not peace.

Jimi Adesina
Professor, Department of Sociology, Rhodes University, South Africa

Let me come back to the point I was trying to make about democracy and ordinary people. My problem with the language within the pro-democracy movement in Africa is the very little concern about the economic rights of ordinary people. Democracy is non-negotiable but what is the quality of life of ordinary people? Are we having a new set of people coming into power and just amassing wealth for themselves in the name of a free market and the life of ordinary people not improving for the better? That's the point I am making. If democracy does not benefit the life of ordinary people, it weakens the commitment. That's what I am saying. We need to flag that.

I am not pessimistic about NEPAD. But the fact that all the energy and activities tend to coincide with the G8 meetings is problematic. I think that a document, a policy framework like NEPAD is important for Africa, but it must be a development project. It cannot be confined to this notion of setting one public-private partnership for one route in Africa. And development is not about imitating other people, it is about learning. But it has to be grounded in your own reality. Development is not about imitating other people, it must be based on realities. I actually believe that the AU is a more viable project for many reasons: there is a logical sequence.

Let me end with this: We need to communicate with African states. It is a false debate to say: African states versus African civil society.

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Victoria Maloka
Human Rights and Conflict Management Programme, Centre for Conflict Resolution, University of Cape Town, South Africa

The question that the Bishop asked about human rights at a family level was very interesting. In one of the human rights and conflict management training workshops we facilitated for traditional leaders I was asked "When I get home, how do I tell my wives and children that they now have rights?" It made me realise how important education is. The kind of human rights education that we preach is mostly about international instruments, constitutional bodies, and the bill of rights. But after my experience with traditional leaders, I have begun to realise that we do not really contextualise the education that we give them, we do not tell them how to apply these instruments to their daily lives. Once people begin to realise how human rights are relevant to their daily life, they will begin to appreciate what human rights are about. On a family level, until children, parents and young people realise that it is relevant to their everyday lives, it does not mean a lot to them. Our responsibility as human rights activists is to help people understand this relevance.

Jan Van Eck
Centre for International Political Studies, University of Pretoria, South Africa

We have to start being very honest about ourselves in the continent. Let us take ownership of our problems in the past: many things have been done wrong. We all know it but we do not say it enough. In the past we left it to others or they prevented us from dealing with it. The international community will not descend from the sky and solve our problems. We demand ownership as Africans. That's what the NEPAD and the AU do.

I do not judge Africans by what Africa looks like. We have to judge Africa by the history of neglect, misuse, manipulation, bad governance, imperialism, cold war, colonialism and slavery. These things have

destroyed the fabric of our societies. Let's be frank: there are big problems in Africa but I know that people of Africa, if they were genuinely in charge, would have done it differently. So let's do it differently. But first, we must frankly look at what we have done wrong in the past and change our habits. To be successful you must realise you are bankrupted. I am not pessimist. I have committed my life to Africa and I have not worked anywhere else because I am committed to making my contribution to Africa.

The issue of governance. If a dictator gives people food, they will choose the dictator. In the last six years in Burundi, the poverty has increased six fold. Meanwhile Burundians entered in negotiations but nothing happened economically. They did not gain anything from it.

Disconnection between the leaders and the people. A lot has to be done to restore this link. We can assist governments and civil society to develop interaction. It does not have to be a confrontational relationship. The problem with many NGOs in Africa is that there are opposition NGOs. They just want to get rid of the president and ministers to become presidents and ministers. That is not useful. If we can target some sectors like the education sector, we can say to teachers, "Stop your little war with the government and start interacting with the Minister of Education to improve the quality of education".

We have to keep in mind that human rights are the end objective. In our continent, due to history, people were encouraged to treat the other side as the enemy. That's how you get bloody, massive conflict situations like in Burundi and Rwanda. Your enemy becomes an animal. First you have to accept that we are all human beings or you cannot expect people to treat others as human and apply human rights to the enemy. Apartheid worked because black people were not considered human. Children are used as soldiers because they are not seen as children anymore.

Alberto Francisco Tunga
Secretary General, Platform of NGOs, Angola

We are a blessed generation. We have many opportunities to make a change of opinion, and the brothers from the North can help us. During the times of my old ancestor, the King of Congo, the first Christian King Afonso, our people did not have the same opportunities as our generation. We cannot abandon Africa and leave all its problems to our sons. What is happening in some regions in my country, Angola – which is very rich in diamonds and oil – is a big scandal. While you have the presence of all the oil multinationals, you do not have any schools. We have to prepare Africa for our children. To achieve that purpose we have to establish transparency and a frank dialogue between ourselves and with our colleagues from the North.

Chairperson of Session 1
Jody Kollapen
Chairperson of the South African Human Rights Commission

This has been an invigorating session that will help us to identify certain challenges. It was useful to begin to ask ourselves on what premises we start that dialogue with Europe. What are the pre-conditions for us? What do we need to do as Africans before we can embark on that dialogue? We need to ask ourselves. Where are we coming from? And where do we want to go? I would like to conclude by thanking all the panellists.

Session 2

Reinforcement of the Role of the Pan-African Parliament

Good morning everybody. I am Segogko from Botswana and I am a Member of Parliament. We have today a panel of six speakers: Ben Türok, Kerriot Mvubu from Swaziland, Neil Coleman, Peter Schieder, Brendan Howlin, and James Msekela.

This session will deal with the reinforcement of the PAP. According to article 17 of the constituent instrument, the PAP should ensure the full participation of African people in the process of implementing the Union. Even if it will have only consultative powers at the start, the ultimate objective is for this Parliament to become an institution with legislative powers. The debate will address the following issues:

What will the PAP's role be in the affirmation of the democratic principles of the separation of powers in the Union?

Second point: what subsidiarity, between African parliament and the national and sub-national parliaments such as the recently created East African parliament? What will the role of the national parliaments be in the architecture of the Union?

The other point, what could the PAP's role be in implementing the Peer Review Mechanism and in the reinforcement of efforts, activities, national and international human rights and in the monitoring of respect for international obligations in that regard?

The fourth point is how can other regional parliamentary instances, such as the Parliamentary Assembly of the Council of Europe or the European Parliament contribute to the setting up of this Parliament?

Ben Türok
South Africa Member of Parliament

"Challenges to the Reinforcement of the Role of the Pan-African Parliament"

As you know, the Pan-African Parliament is not yet in existence. As mentioned yesterday by our Speaker, we need 27 countries to ratify the protocol and at the moment, we have about 12. Clearly, the ratification process is going slowly. But this did not stop our speaker from convening a three-day meeting in our parliament to try to throw up some of the dynamism problems in establishing the PAP. 21 delegations from African parliaments were present at that meeting. I would like to share with you some of the challenges of the building of the PAP that come out of that meeting.

One of the rules of the PAP is that every country should send a delegation of five elected representatives and at least one of them has to be a woman. Another rule says that representations at the PAP have to be multipartite.

Here come some of the difficulties. As you may know, in some countries, women are not represented in parliament and in others it is still a one-party state or at least there is effectively only one-party. A lot of delegations were embarrassed for these reasons because rules are passed in parliament and you cannot abolish rules like that. You have to change the constitution.

Another difficulty is that the key issue that came out particularly was that of the sovereignty of states. The Egyptian delegates said that their parliament was sovereign and accountable to the people of Egypt. Therefore they wanted to know the powers of the PAP, for example, on the oversight issue.

Some questions came out even in our parliament few months ago. Our deputy president got up one day in our parliament and said that if we

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were not willing to cede an element of sovereignty we must not go into the African Union. The fundamental assumption is that an element of sovereignty has to be given up.

There is also no doubt that as soon as it is established the PAP will have oversight powers. Now what does that mean in Africa? Imagine a group of Southern Africa members of parliament exercising oversight over Libya, or Ivory Coast. You can imagine some of us, our chair and myself, going to Ivory Coast on behalf of the PAP and exercising oversight in Ivory Coast. So there are many difficulties in this issue but we all understand that oversight is an essential element. Indeed, the African Peer Review Mechanism is an oversight mechanism. It may be voluntary, but it is oversight. No question about that.

The rules of the PAP are that it should be a deliberative body in the first instance although the intention is that it should be legislative. There is no doubt about that. It would move towards legislation. Some of us are absolutely clear that we should have legislative power despite the briefing we had yesterday about the European Parliamentary Assembly. I think the intention here is absolutely that it should be a legislative body with powers.

Then the speaker said yesterday, our speaker, that the PAP would be a link between the executive and the people. Now if we say that the PAP is going to be a link between the executive and the people, we really need to define that. Some of the founding fathers of the idea of the AU like Professor Adaji who is my hero and who is for the economic integration and economic policy of the continent, the author of the Lagos Plan of Action, raised the question of popular participation and civil society involvement in the PAP. For me, in principle, there is no reason why NGOs and civil society should not begin to be involved in the PAP. I believe it is actually very important, because when NEPAD was put forward across the continent, it was the NGOs and the intellectuals who said this is top-down and not a participatory process. Jimi Adesina is one of the people who yesterday raised very strong objections to the fact that NEPAD was top-down and not a consultative process. Well it seems to me that we ought to consider the question of

NGOs and civil society's participation in the PAP process right know. As we discuss the role of the PAP, there is no reason why there should not be an input into that process from civil society right now.

Last year I went to four workshops where I met a number of delegates from various civil society organisations and African parliaments. The level of ignorance about the African Union, NEPAD and PAP is terribly high and frightening.

I hope that our meeting will come up with a recommendation stating that all possible resources should be allocated to providing information across Africa to all parliaments and peoples about this whole process of NEPAD, AU and PAP.

My last point is that I believe that, in terms of the AU and the Africa-EU dialogue, one of the recommendations that could come from this meeting is that there should be a task team to consider some of the issues that we have discussed. A joint-task team between Europe and Africa, which would consist, I suggest, of parliamentarians on both sides, civil society's representatives and some academics. It is absolutely clear that academics play a huge role on this continent. The think tank like the CODESRIA, African Associations of Political Scientists, the Economist, they actually carry a lot of weight. And for me civil society includes also churches, religious organisations, trade unions, and so on. When we talk about representation in the non-governmental sector, we should not just think of little NGOs that are doing development work here and there. But we must take the issue wider. If you have a delegation from South Africa and you exclude the religious organisations then you are not being representative. So I think we must be careful about that. My time is 14 minutes and 8 seconds.

Thank you!

Kerriot Govane Mvubu
Swaziland Member of Parliament

"The PAP and the Democratisation of National Parliaments"

Thank you, Chair. The Honourable Mr Türok has just mentioned some of the realities that are retarding the progress of the PAP. I would like to start by saying that I come from the Parliament of Swaziland, a country where there is no multiparty system. We will be having our elections by the end of this year in October and we are expecting to have a new constitution with the help of the Commonwealth Parliamentary Association. But today, I am not in a position to say how it is going to be, whether it will be a multiparty system or continue with the same system we have been using.

Swaziland is divided into 55 constituencies. Each constituency produces a member to the House of Assembly. Our parliament is bicameral. It has a House of Assembly and a House of Senate. All together, we are 95. Fifty-five, as I said, are directly elected from the constituencies. Ten are appointed by the head of state. In the Senate, twenty are appointed by the head of state and ten are elected by the House of Assembly. When they first meet, the first job that they have to do is to elect the speaker and then ten members to the House of Senate.

As my colleague Mr Türok has said, ignorance on the PAP is high in most of the parliaments in Africa. I am not too sure whether it is because there is no real link between the executive and the legislators. In most cases, we do not see things in the same way. So I think there is here a little problem. I would ask this gathering to communicate, especially to the assembly of the AU, that they must do something because it really seems like some of the heads of government or heads of state are not very clear as to what role the PAP can play. It would help a lot if we took some resolution or made some recommendations so that the heads of government and heads of state are aware of the way forward. Swaziland is a member of the AU and I think I am right if I say that it will join the PAP if it is launched. When I left home I asked what to say. They say they would join. When? I do not know.

My position here on the role of the PAP, as far as I am concerned, is that I would like to see a PAP, which will certainly have legislative powers when it is launched. There are a lot of things that we still lack. In Swaziland, for instance, we have been hit by drought. Even though we have been trying to do some development work, it is still very little and we are still living on handouts from donor countries. To me, unless we interact regularly, do some consultations, and promote solidarity for the people of Africa, I think we are definitively not going to have a way forward. I think that the PAP could have legislative powers. Then we may have a way forward. Again, I think the work of the PAP as far as I see it, would be good if it reached a state whereby it would strengthen the solidarity in the continent and help to build a common destiny for the people of Africa.

Some of the countries in Africa are still window dressing because their parliaments are not autonomous. They have no powers. Decisions are made by the executive. Some of the heads of government have no respect for the rule of law. Let me give you one example: most recently there were two judgments, which were pronounced by the High Court of Appeal. Then the government came out, defied the court and said that it was not going to implement those decisions. Everyone turned on us saying "what is parliament doing?" Why can't parliament do something? The problem is that our Public Account Committee is not constitutional and has no powers to impede such a situation.

Let me give you another example. We had a minister who was trying to sell one of our planes to a businessman from Dubai. As members of parliament, we felt it was unfair to sit with somebody who was engaged in corruption of some sort. We elected a committee of eight members and they recommended that he be fired. But instead of that, he was suspended. The establishment of our parliament says that any member engaging in corruption should be fired. But he was never fired. Up to now, he is suspended with full salary. I fully support, and parliament would support, the recommendation but the problem is how we link this to the head of state. I think we will have a problem there. I think our friends will help us in interacting and advising us to what to do.

This kind of situation makes our parliament unfair. Our people tend to say they went to vote and elected representatives who have no power in some areas. I fully support the PAP because I think with the PAP, maybe in line with our colleagues from member states, we would be in a position to try and launch some mechanisms to deal with that kind of situation.

I know some people will say it is interfering within independent states. I think I will be the first to agree that we have not reached a stage whereby we see these things as interference. But I think on a consultative basis or advisory basis, we could come up with something.

Neil Coleman
COSATU, Parliamentary Officer

"The PAP, The NEPAD, The AU and the Challenge of Civil Society Participation"

Thank you Chairperson. I have been representing the Trade Union movement in the South African Parliament since 1995, and it has been a very interesting and fascinating experience to engage with our new democratic parliament on behalf of the largest organised constituency in the country under the trade union movement.

My comments in relation to the PAP will try to address the question of how we use institutions like the PAP to shape and reshape policies in the interest of the continent?

Clearly a major task of the PAP will be to bridge the credibility gap which exists with African people. If possibly the majority of African people have little faith in our own parliaments, as we have just heard, to fearless defend and advance their interest. The question is: "What is it the PAP will do to convince them that it is a meaningful, vibrant and popular institution?"

A clear role needs to be defined for the PAP, which will give people a meaningful say in shaping the affairs of the continent both in terms of effective oversight of the governments as well as popular participation as Ben Türok has outlined. A critical component of this must be the shaping and if necessary the re-costing of social and economic policies and strategies, including NEPAD.

I think from our side and much of civil society in Africa we are concerned that there has been an inauspicious beginning given. That African national parliaments and civil society organisations have effectively played little or no role so far in shaping the strategy, which is contained in NEPAD. Yet if we look at that strategy it emphasises as one of the pillars of the NEPAD, the role of popular participation and

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good governance are being essential objectives. Yet that is absent in the formulation process of the NEPAD strategy. That is a contradiction.

The Senegalese Ambassador yesterday in a very interesting address made the statement that NEPAD and the AU are the products of a process of a pan-African struggle and self-assertiveness. In other words, it is a victory for the struggles of the African people.

However, if we look more closely, I think we can see that those institutions are themselves a sight of contestation and contain a major paradox. Despite the central theme of African ownership serious questions are being raised as to whether these institutions are being shaped to charter African destiny or to impose an uniform approach which is not been determined by the African people and that was a theme which came up in a number of contributions yesterday.

We from our side – certainly the trade union movement of South Africa and Africa in general – do not say "this is simply an externally imposed agenda." We recognise there is a sort of contestation and struggle. So in our view both features are probably present. It is both an advance, as the Senegalese Ambassador has identified, but it also is an attempt. There are elements of an attempt to impose an external agenda. There will be contestation to ensure that the element of real sovereignty dominates the element, which actively undermines that very sovereignty. And sovereignty itself like African ownership is a contested concept. Sovereignty really means popular control by the people of a nation over its destiny and similarly it must mean control over the continent's destiny in relation to the issues that we are discussing. It certainly does not mean the right by unaccountable states to abuse their own people or continent.

There is the suspicion, as I have indicated, in the context of current debate around globalisation that the current development of pan-African institutions is intended or could be abused to impose inappropriate economic and social parameters – a sort of self-imposed structural adjustment programme – throughout Africa. If globalisation, as Ben Türok has said yesterday, is deepening inequalities the key test

for our institutions is: "does this process of the integration of Africa, the AU, NEPAD, etc, advance or role back these negative features of globalisation?" In developing these institutions, as we must and in making them dynamic and popular and legitimate, certain things, certain factors will have to be achieved:

Firstly, a decisive break with practices of the past, which have been identified in Africa to overcome the cynicism amongst the African population about their own rulers, about their own institutions.

Secondly, sovereignty by popularly elected representatives in determining critical social and economic policies in particular coupled with accountability of these representatives to the African electorate whether at continental or national level.

Thirdly, meaningful involvement by people organised through the civil society organisations and appropriate institutions to give expression to these forms of participatory democracy. It is particularly worrying for us that there was a continental African trade union conference before the launching of the AU last year in which we met with president Mbeki and other current shapers of the AU. We raised our concerns about the way NEPAD had been formulated and the exclusion of the African trade union movement and civil society in that process. And those concerns have not been reflected in the decisions of the AU Summit in July last year. There has been an impression, correctly or incorrectly created by the African leadership who have driven this process that their main point of reference has been the logic of international cooperation. This bring us back to the questions which were raised yesterday as to who is NEPAD directed at and what is the underlying strategy? What is it attempting to achieve? No one is suggesting that there mustn't be a process of dialogue and interaction with these international institutions and governments, but there is a need to give meaning to the notion of African ownership as the first protocol for any process of policy formulation in the continent.

Fourthly, recognition of both the specificity and the heterogeneity of Africa's needs. There can be no one-size fit. In all approaches, both in

terms of international prescriptions, as we have known them historically, and of an African approach, we have to recognise that what is appropriate for South Africa may not be appropriate for some of the other countries in Africa. This is not to suggest in any sense that there must be double standards when it comes to issues of governance and fundamental human rights. This must not be used as a basis to shirk responsibilities to the people and to the constituencies that elect our governments.

The position that the African trade unions and COSATU have taken in particular has been to consider strategically what our approach should be in addressing the problems of lack of participation and consultation. There were three options considered:

The first one was simply to accept and say we have no alternative but to accept the approach, which has been adopted. The second was to say, we have got fundamental problems with it and therefore to reject it. The third approach, which is the approach we've adopted, has been to say we must engage with it. There are both positive and negative elements in the approach and we need to consolidate the positive and to try to challenge or reshape the negative approaches.

In the resolution adopted by the COSATU Executive last year, we welcome the initiative by African leaders to develop a programme for Africa's development. But at the same time, we raised concerns of NEPAD being developed without the active participation of the people. The resolution goes on to call for that participation and supports NEPAD's programme for democratisation and good governance as a platform to build truly democratic states in Africa, and the programme to eradicate corruption and improve transparency.

On the other side, in terms of economic and social policies it takes the view that Africa requires strong state leading development to launch our societies on a new growth path. It identifies those areas of economic policy which require particular attention and where we feel that NEPAD in particular is not signalling in the right direction: fiscal management policies, trade liberalisation, labour market policy, role of

the state and the private sector, privatisation, private partnerships. The declaration says that NEPAD does not seem to present a holistic package of measures to foster social and economic development. The Declaration is also concerned about the absence of job creation strategies and the lack of core labour standards in Africa in the NEPAD document.

It welcomes the debt redemption strategy proposed by NEPAD and finally says that our concern does not stem from an ideological and oppositional stands but from a concern that the NEPAD document will not achieve the objectives it set itself unless it is amended in certain important respects. It also rises from our own experience of economic liberalisation strategies in South Africa. So, that outlines the broad sort of approach, strategic approach which trade union movement has taken. And we will be arguing strongly for a dynamic and active role for the PAP as well as civil society in trying to engage on some of these issues.

The sort of questions, which the PAP would need to address in terms of NEPAD, and these other questions of economic development strategies, I would see them footing into four categories.

First, in terms of process, to try and remedy the defect of lack of participation. It has been said that NEPAD is a framework and that there is still plenty of room to reshape it. But then the real question is, if it is a framework, as I said yesterday, it is not a strategy but it has an underlying strategic thrust. If we have to reshape that strategic thrust, that requires a meaningful process and the PAP has a critical role to play in that process.

Secondly, the PAP would need to look at the substantive issues dealt within NEPAD. What are the issues, which need to be consolidated? Where are the problems in the underlying strategic approach, which require a strategic shift?

Thirdly, to look at what may be the unintended consequences. Despite all the noble objectives of NEPAD and based on the current experience of Africa what is the trajectory ten, twenty years down the road which

we are likely to see unfold? Will the strategy achieved stated objectives? Or could it result in some respects in achieving the opposite of what it says, what it ought to do? If that is the case then, it ought to be adapted accordingly.

Fourthly, to carefully examine the underlying assumptions of NEPAD. Who is NEPAD aimed at? And if it is correct – as it was suggested yesterday by some speakers – what is its main orientation? Is it external? Is it around access to global market, attracting international investors, dealing with the problems of debt in relation to the North? Is that a balanced approach appropriate to the need of the continent? Because if we look at South Africa, which is certainly not in the HIPC category and represents one of the most developed countries in Africa, with advanced infrastructure, markets, the policy adopted to attract international investors since 1996 has not achieved its goals. If that is the fact in South Africa, in that respect, what is the hope that through Africa adopting or generalising that strategy at a continental level, Africa will attract foreign direct investment? That is the question which the PAP needs to address if it is not to become a ceremonial institution which is off its regard with a quality degree of scepticism by the African people and we certainly hope that it will become that dynamic and a popular institution which creates a sense that African people are finally seizing control of their own destiny. Thank you.

Brendan Howlin
Ireland Member of Parliament

"The European Experience and the Reinforcement of the PAP"

Thank you very much indeed. And I will do my best not to tread on your toes. I want – if I can in the few minutes that I have – to address the theme of the session from a European perspective and I am just going to take three particular issues and those are: the objective of participation of the African peoples in the process of implementing Union; the role of national parliaments in the architecture of the Union and; the contribution of other regional parliamentary bodies. Although I am going to give you a perspective from Europe I am admonished by Ben Türok's comments yesterday when he rightly said that there is no requirement to imitate but I think good politics picks good ideas from wherever. Certainly, most law making involves looking elsewhere for best practice, good practice. Even so what I say is simply the European experience for you to make of as you will.

One of the things that I am very aware of is that we throw out acronyms, letters, words as if we know what they all mean and quite often we do not. The European institutions are complicated and I think it would be helpful if I tried in the few minutes that I have to present not only the evolution of the European institutions but try to explain how they stand and how they differ from one another.

The issue of participation is a very ambitious one: we would have great difficulties in Europe in engaging the European people with the notion of the EU for example. There is a common phrase that we hear at home now of a democratic deficit. That means that the decision makers are following an agenda at parliamentary or trans-national level and they are often forgetting to bring the people with them. We have to develop mechanisms to engage ordinary citizens in the concept of the EU. Sometimes the people bite back if we take them for granted. In my own country for any treaty ratification, we require not only a vote in parliament but also a plebiscite of the people. That is a good brick in

the drive of decision makers to sometimes act as the heads of the people.

We had a very abrupt halt to that process only last year when the Nice Treaty, which is the most recent evolutionary treaty in the European process, was rejected by the Irish people. Under the terms of the treaty, any country could stop the entire treaty having effect. So the four million voters of Ireland could stop the treaty being implemented in Germany, France, Spain and elsewhere. It is very important to re-engage with people then.

Our reaction to that situation was to establish, on a permanent basis, a forum on Europe. The forum on Europe brings together not only all the political parties but all the civil society, trade unions, churches, and any group that wants to be involved. It is an enormous, exciting debating forum that addresses the issues and seeks to build, if not consensus, at least common understanding of people's perspectives. That has been an extremely important vehicle in opening the debate and involving people so that it is not, if you like, the project of the elite but the project of the many.

The integration of Europe has been a gradual development. Immediately after the war, as my Austrian colleague said yesterday, visionaries within Europe felt that the devastation that had been caused by two world wars within a century had to be addressed by major institution realignment. The first creation actually was the Council of Europe and the Council of Europe involves, as the President of the Parliamentary Assembly here on my right explained yesterday, a huge number of countries, 44 currently. I think it might be impolitic of me to say this, but I am going to be impolitic. Maybe the President of the Parliamentary Assembly could not say this. The importance of the Council of Europe diminished somewhat when the parallel project of the EU took hold, which was a much closer integration of countries in Western Europe. But the Council of Europe got a new lease of life after the fall of the Berlin wall when there was a requirement to re-engage Western and Eastern Europe.

I think one of the things that need to be addressed within Africa now is what is the objective of the AU? Because I think I have heard in all the contributions of the last two days a certain vagueness. I have read the founding documents and they are aspirational but is there an engagement about what the end of the process is to be?

Our experience in Europe is that we did not have an end mapped out from the beginning but we did have guidelines in terms of the EU. These were the rules and if you wanted as a country to be part of the Union you had to sign up to the rules. Not all countries did sign up. The perspective from the approach of those who were framing the AU seems to me to engage all countries first and then write almost the terms of engagement, which is a different perspective. The experience of Europe was to have the ground rules established and only those countries who wanted to signed up to the ground rules. Being involved meant that you could proceed at not the pace of the most, not the slowest pace and you could not, for example, have a very reluctant United Kingdom stopping developments until it wished to engage. The EU has fifteen member states today; in May of next year there will be ten new full member states.

It is interesting to hear the dialogue that is going on here on sovereignty. It parallels the dialogue within Europe. My own country takes sovereignty rather seriously, since we spent 700 years trying to achieve it, so the notion of ceding sovereignty was one that needless to say engaged us. What we have decided to do is not so much to cede sovereignty but to pull sovereignty, where in reality we get a much bigger bank for our buck. We have much more influence sitting at the table of Europe than we have as a so-called independent state in the world. I think that would also be true with Africa.

The issue of national parliaments in the architecture of the Union is also an important one. Again the European experience is one of the learning curve. We have now enacted in most parliaments what we call the EU Scrutiny Act whereby all decisions to be made within the Council of Ministers must first be debated within the parliamentary committees of our respective parliaments. So there is a domestic oversight and

scrutiny of the executive when they go and represent our country and involve themselves in decision-making that ultimately becomes binding law. It is very important and I am mindful of the comments of speaker Ginwala yesterday, that working parliaments have effective committees, have effective oversight and that anchors what people call the Brussels Process, which is distant from some of the member states. It anchors it in a domestic, accountable way.

The final comment I want to make, mindful of my time, Chair, is in relation to the contribution that is possible from other regional parliamentary bodies. I do not want to tread on the comments of my colleague here but he rightly said yesterday that there are different models to look at. The Parliamentary Assembly of the Council of Europe is a collection of national parliamentarians dispatched to this international parliament. I am one of the four members that Ireland sends from our parliament to the Council of Europe's Parliamentary Assembly.

The European Parliament is very different. It is directly elected by the people so it has a more direct mandate and it involves itself in actual law-making, in co-decision with the Council of Ministers, in enacting binding laws that have legislative effect throughout the Union. So, I would like to differentiate the models that are there to be looked at.

A forum such as this one is extremely important. It is a learning process. I have learned a lot from African parliamentarians in relation to the development of the African Union and the PAP. We certainly need to have that awareness in Europe as well and that awareness building has to be undertaken by ourselves in consort. That should be a job of this North-South dialogue: to explain to people in Europe what is happening and to engage people in it because it can have the effect then of alliance building and this is my very final comment.

The issue of alliance building is an extremely important one in the concept of, for example, international trade negotiations because it is not true as one contributor said yesterday that, you know, George Bush is the West. He is not the West. He is not even America right now. But

there are forces that certainly have synergies between Europe and Africa. There are alliances that can have common benefit and having that dialogue will be part of the outflow of North-South communication.

That really is what I have to say, Chair, and I simply want to thank the organisers for inviting me to participate. It has been a very informative and useful experience for me and I am looking forward to the debate at the end of this session. Thank you.

Peter Schieder
President of the Parliamentary Assembly of the Council of Europe

"The Parliamentary Assembly of the Council of Europe and the PAP Building Process"

Thank you very much. I just want to bring into the discussion several points taken from the Parliamentary Assembly of the Council of Europe. I think that from the beginning you should pressure to have more power because between a consultative, advisory or deliberating body and a full legislative assembly there is a broad spectrum. You have, from the beginning, to get more rights than just consultation. This was our fight and we needed twenty years, in some cases thirty years, to get away from just being a consultative body to having a real control statute on the executive. Now we have the right to elect the leading persons of the whole Council including the Secretary General of the whole organisation and other key persons. Even if you do not have full legislative powers you have to have from the beginning a control under the executive. Without it you are second fiddle.

Second thing, we made the mistake of leaving important spots at the beginning, fields where the Parliamentary Assembly did not get any controlling power. We have the OECD, the Organisation for Economic Cooperation and Development; we have the European Bank for Reconstruction and Development (EBRD) and other institutions, which were working without any parliamentary monitoring. It was a long fight for us to change this situation. At the moment we have a parliamentary debate on them once a year, and their secretaries general come and answer all the questions we put to them. We also made the mistake of having a separate assembly for peace and security questions and other matters, which brought us to the uneasy situation of having different assemblies working for these purposes.

Third question, I learnt that you decided to have five representatives from each country. This may be a good decision in my eyes. But I wish

to share also with you our experience. In the Parliamentary Assembly, we have between two representatives for the smallest country to eighteen for the biggest country. The population size and gross national product are taken into account when choosing the actual size of a country's delegation. I would say for a small country it would be better to have the same number but I am not going to say it because of my experience.

Our experience is that it is good to have more representatives from the bigger countries because in all the assemblies where we have the same number – like on regional level – the biggest countries are tempted to prove at each meeting that they are bigger, stronger and half of the work is just devoted to this kind of discussion. Having them in our assembly, sitting there, with a larger number of delegates, we avoid these discussions. They do not need to prove that they are stronger and bigger and this is good for the work.

Fourth point, from the very beginning, and I have been a member of the Assembly since 1971, there was the problem of having operational structures or to say it, in these days in less war minded words, structures for guidance, a navigation mechanism. We created a mechanism of political groups. The objective was to try to have the same political structures, the same landscape. We organised the assembly on the basis of national delegations and political affiliation. Each member decides to which political group s/he belongs in accordance with his or her national party and so on. And we have meetings of these political sections in the assembly too but in the house we do not sit in accordance with our national affiliation; we sit according to political groups. We sit in alphabetical order to make it easier, not so easy for everyone to see how their country or group is voting, to give them a certain responsibility.

Fifth point, we made mistakes in the process of integrating civil society. We mainly integrated all the NGOs we knew at the national level. Today we have about 400 NGOs with consultative status, working with us. But the really important worldwide European NGOs like Greenpeace, Global 2000, Médecins Sans Frontières, Amnesty

International, the International Gay and Lesbian Society, which we need for our work and which play a public role are not really cooperating with us. We have not included these big ones and we have to do it because it was a mistake not to give them a chance to influence our work.

Sixth point, you need immunity for parliamentarians that is not just on paper and that is not only valid in their own country but in all member countries of the Parliamentary Assembly as well. This was a hard fight but we succeeded. One needs a legally binding agreement in each country that they will not detain, interrogate, or even stop in his or her travels a member of the Assembly on the whole continent. We had to ensure that someone who was speaking in Strasbourg against a government, criticising very strongly a president or a king would not be arrested if s/he travelled in the criticised country for a meeting. So you need immunity that applies in all countries and you need a document like a passport which is known and recognised in all countries to give all the members of this Assembly the chance to travel and to speak freely in their function and not to go to prison because of words spoken in the Parliamentary Assembly.

Seventh practical point, which is our experience. You need a certain response to the work of the Parliamentary Assembly in your own national and local papers and media. Not just because it is good for you to have your face in the papers but because you need understanding from your electorate, from your constituency, for your work outside your country. We spend seven, eight, nine weeks a year on our work in Strasbourg and in other countries. During that time we are not at home, in our constituency, citizens cannot reach us, come to us, nobody can see us speaking in our country. We are out of the sight and minds of the people. Therefore, there is the danger, even if you do excellent work in this Parliamentary Assembly, that you will not be re-elected in your country because they forget you. You have to keep the link.

These were the practical points, which I consider small but, as often in life, the smallest things are really important.

My final point is that I fully agree with a lot of proposals, especially with the proposal of Professor Türok concerning cooperation. We both must be aware of each other's existence. We must promote direct contact between African and European parliamentarians to inspire and support the transition towards democracy in some parts of Africa and to show African parliamentarians the functioning of regional and continental parliamentary assemblies and to learn from Africa and Europe the new way of organizing something, the new way of developing a parliamentary assembly without making our old mistakes and therefore, maybe, also refreshing our own work with their example.

Thank you very much.

DEBATE

Chairperson of Session 2
Shirley Segokgo
Parliament of Botswana

Ladies and gentlemen, before we enter into the debate, I would like to make a brief summary of the last presentations. We started this session with a presentation by the Honourable Ben Türok. He reminded us that out of the 27 required, to date only 12 have ratified the Protocol of the Pan-African Parliament. He also raised different challenges to the PAP building process, like the gender issue, multipartite representation and the sovereignty aspect. In this regard, he stressed the fact that, in the PAP work to be done, countries will have to be prepared to cede some of their sovereignty. He also mentioned that a task force needs to be set up and the other stakeholders must be brought in, because we need to engage others in the whole process. In other words, there ought to be wide participation.

The Honourable Mvubu from Swaziland highlighted the fact that there is ignorance with regard to the PAP. He also pointed out some weaknesses of African parliaments in general and of Swaziland in particular. He raised the hope that maybe the PAP will help to strengthen the rule of law and good governance at the national level.

The Honourable Neil Coleman from the trade unions centred most of his debate on NEPAD's participation issues. He pointed out that you are either part of the solution or part of the problem, but you cannot stay on the sidelines. We need to engage in this process. He also said that there is the need to project maybe ten years or twenty years down the road. If we continue along the same lines that we are currently following what can we expect to see?

The Honourable Msekela agreed with Mr Türok that the aspect of ratification is an issue of concern. That having only 12 out of 27 is not a very good indicator for the future that we are making progress. He raised the question that we have the tendency to jump into issues without a full understanding of them. He has also indicated that the PAP needs to have wider representation. His contribution was more to

try and debate and question the issues presented before. Commenting on the Honourable Member of Parliament from Swaziland's intervention on the Swaziland situation, he said that we cannot expect the PAP to be an appeal body. He went on to make a very controversial contribution regarding women. He seems to feel that if women are part of the PAP representatives they are invariably going to dilute the level of contribution and participation. I think it is a very unfortunate intervention that he made on that score but maybe he is doing it just to challenge us. Maybe that is an issue for us to debate, to really look at. I am not going to debate the issue; I am just repeating what he said.

The Honourable Brendan Howlin indicated that participation is an ambitious objective but nevertheless important. Just the leaders formulating these policies without involving the people at large is not the way to go. Democracy is participation by all people. He also gave examples of the European institutions that he described as being complicated. He said there was a democratic deficit whereby you forgot to take the people along. He gave an example of the Nice Treaty, which was accepted by the leaders but then rejected by the people. I think it was a good indication that it is important that whatever measures you take, you are taking them on behalf of the people and you need to carry them out. He indicated that the integration of Europe did not just happen overnight. I think he was questioning some of our expectations about the AU having one homogeneous body overnight.

The Honourable Schieder gave us some practical experiences from the Parliamentary Assembly of the Council of Europe. I think the first one he mentioned was that you would have to determine whether the Pan-African Parliament would be a consultative or a deliberative body. From the beginning, he added, parliamentarians should try to get more monitoring power over the executive. He highlighted the importance of integrating civil society. He also indicated the need for immunity for parliamentarians. On a final note, he said that, as people will be elected to the PAP, they should not lose their own recognition at home because it is important to maintain that link.

I think it is a very brief summary ladies and gentlemen but I believe you have been sitting quietly, assimilating the various thoughts and issues as they have been raised. We are going now to tackle the issues. Let us all participate. But before let us give a round of applause to the presenters. You are all dying to have your say and without wasting time we have our panellists up front and I am waiting to see your hands.

James A. Msekela
Tanzania Member of Parliament

What Professor Türok said was actually mainly informative, I have to say. And you can only sympathise with the process through which the PAP still has to go. But why is this process receiving very slow acceptance? Is it again like what has been happening to NEPAD? I have this feeling that in Africa we have always been jumping at things without even having made a thorough assessment of where we come from, as brother Tunga said yesterday. We have had so many programmes and so many ways of trying to cooperate regionally in Africa. But what are the impacts of all these initiatives? Have we at any time sat down and made a thorough assessment of what was supposed to be happening and what had already happened? I do not see or have not heard of any serious assessment of that nature so far in any of these bodies as far as I know, because I am new in politics. I have been in politics for two years only. I was teaching at the university of engineering.

But still, I would say the intention of creating the PAP is actually very good. It is only a pity that it did not come earlier. I am saying this particularly because of what is happening now. Soon we are going to see a very big vacuum in relations in the world with what is happening now in the UN, with America deciding to go to war in Iraq and so on. I think this has caused a very big blow to international relations. I think this should tell us, "Hey look! This is what can happen now if we do not consider ourselves regionally".

I think a PAP, as a body that will largely be representative despite what the Honourable Neil has been saying, needs much wider representation.

I agree with him, but the problem is how to do that from the very beginning. Because I think we are still chatting. I think, just like he said, that they decided to engage in the NEPAD. I also think they should do the same in this process of coming up with a PAP that will ultimately have legislative powers.

After the Honourable Mvubu's presentation here, I had this feeling that we were expecting too much from the PAP. The PAP is supposed to address problems that are of continental interest and not to actually try to put matters right against a troublesome president. If the PAP is a body that is going to deal with an internal problem of a certain country, then I think we will have to have a broader mandate than we thought for the PAP. That could complicate matters and be even more disorienting. We are already having trouble agreeing to what extent we should really link our sovereignty to the PAP. But nevertheless, I have to praise the hope that comes with our brother's input from Swaziland and that the PAP is going to bring.

Chair, let me just make one last point again, about the question of having five representatives from each member country of the PAP. For the beginning, I think it is a good thing but the gender affirmative action of having part of the delegation composed at least by one woman looks like we are being forced to take some people on board who are sometimes maybe not capable. This is another way of looking at it. I am sorry, I have to say this, even though you are sitting here beside me, Chair, and I can see how much you can do.

One of the women you may know was chairperson of the Beijing meeting. She is actually quite against special seats. 30% of the seats of our parliament are specially reserved for women and she is against it. She says that this actually undermines women and makes them continue thinking that they can be taken on board simply because they are women. This is another way of looking at it. I thank you, Chair.

Thank you honourable Msekela. I do not think intelligence and contribution have anything to do with gender. We also have to acknowledge that socialisation has played a role in making us or shaping us, all of us. If people believe that you are capable, you will rise to that challenge. If people believe you are not capable, sometimes you are not. I think there is a lot of challenge and we are trying to move forward from where we are. It is good anyway to be open and honest about our own opinion. Because it is only by doing so that we can start to deal with these issues which will impede us from progressing on the very high aspirations that we have for the continent of Africa.

Tseliso Thipanyane
Commissioner, South African Human Rights Commission

Thank you. I am Thypanyane from the South African Human Rights Commission. I have got a few concerns more directed to my fellow African parliamentarians. What really is the problem about the delays in ratifying the protocol of the PAP and also what are parliamentarians really doing about this in order to pressurise their own states to make sure that this protocol does come into force? Otherwise this delay is helping to raise the level of cynicism in many parts of the continent as far as these developments are concerned. This situation also raises the question of commitment to the PAP process. Do we really believe in this process or is it just more lip service maybe meant to impress donors and so forth?

My second concern is about the issue of gender, which was raised by one panellist: the one-in-five ratio. This is actually going to be a major challenge for African parliamentarians already because we do have a major gender problem. South Africa is one of the few countries to have actually gone some way in addressing this issue. Personally, I am not satisfied with one out of five. At least it should be two out of five, but

preferably three out of five. First, because I fully support affirmative action. Secondly because it is also part of international human rights law. So really, we cannot even get into the debate as to whether it is a good thing or not or whether it is a proper way of doing it.

My third concern is related to the point raised by our colleague from Swaziland. The PAP itself will not succeed if we do not democratise national parliaments in the continent. Swaziland is one example but there are also many others, Uganda and so forth. Not promoting democracy and human rights in our parliament at the national level goes against the principles of the Constitutive Act of the African Union. It also goes against various objectives of the protocol on the PAP. Therefore, one wonders how we are preparing ourselves as individual African states in democratising our own parliaments so that when this protocol does get ratified and the parliament is established we really have a viable parliament. There are major challenges which still have to be addressed as far as this issue is concerned.

The other challenge we have to face is the issue of the separation of powers between parliament and the executive. In our own country, South Africa, we have a proportional representation system of parliament. Some of us think that it could also cause problems if you got into a situation where the executive and parliament are basically more or less one. I know members of parliament might disagree and say they do have a degree of autonomy but at the end of the day it really depends on how powerful the executive is. Now, is this the kind of model that we want for the PAP? How are we going to ensure that there is a meaningful separation of powers between the PAP and the executive of the AU? These are issues we still have to explore.

Now, concerning the issue of interaction with NEPAD. It is not yet very clear as to what kind of relationship will take place between the parliament and the NEPAD processes. Of course there is reference to economic development, regional integration as objectives, as part of the mandate of this parliament. But again, it refers back to what I was saying yesterday: the multiplicity of structures. The same thing also applies to the Peer Review Mechanism. If one looks at the objectives of

this parliament it really has an oversight rule of how the executive components of the AU are going to function. Now, how will this oversight rule be reconciled with the issue of the Peer Review Mechanism and the NEPAD process as well as the panel of five wise people under the Peace and Security Council? So, these are issues that we really have to address. But, as I was saying, for me, my biggest concern really is what are individual parliamentarians at the national level, at the regional level really doing about these issues, which will affect the effectiveness of this parliament if they are not addressed?

My last point, Chair, is the issue of funding. We really have major problems where funding is concerned. Article 147 of NEPAD itself talks about the 64 billion dollars required just for NEPAD. Of course, the document itself makes it very clear that the bulk of resources will have to come out of the continent. Now what about all these other structures? How are we going to commit ourselves to funding these organisations, these structures, when at this point in time we have not really done very well in funding existing structures like the African Commission and so forth? Thank you.

Hlalele Motaung
Parliament of Lesotho

Thank you very much, Chair. My observation is that speaker after speaker has been talking about ignorance of these institutions. I also share the same feeling that it appears that not much or close to nothing has been done really to make most of our countries aware of these two issues. In abolishing the OAU and getting into the AU, not much was done to give the people at the grassroots sufficient knowledge of what is actually taking place. The same about NEPAD: not much has been said in our different parliaments. I happen to be a member of the SADC Parliamentary Forum and for the time I have attended this Forum, the topic NEPAD has been mentioned but never discussed to such an extent that people could really appreciate what was supposed to go on. Now one wonders as to how we will effectively distribute knowledge to our lowest levels of people, to the grassroots, so that our electorate actually

understands and knows what type of protocols we are supposed to ratify in terms of countries joining these important institutions.

I heard Professor Ben Türok talking about a task force that has to be set to look into the matters of NEPAD. I think I would also be very much in agreement that something has to be done really in the parliaments. Our parliament in Lesotho is a new one so we need some information. I do not know from whom. Perhaps Professor Türok and this task force should go to other countries and inform their parliaments. As I was saying, even a Forum like the SADC does not know very much about this.

Now, the other issue, which really would come as advice from the Council of Europe, would be the point of funding these institutions. We in Africa seem to be really lacking in funding for the existing institutions like the SADC, and whatever groupings that we have in Africa. A lot of countries default on their subscriptions or contributions, which have to be collected in order to run these organisations. Therefore most of the countries are not full members because they have not lived up to their commitments; they have not paid their contributions. As a result, the organisation cannot function properly because of lack of funds. So I am eager to hear whether through this long journey that the Europeans have already tackled, they met with problems that are similar to ours. Not forgetting again that in Africa most of our governments here have not been so democratic as has been said. Coups and other things have been afflicting Africa so much that we are not very sure as to which one would qualify to be a proper democracy.

My last question was mentioned by the last speaker. It is about protocols not being ratified in time. This is a problem in Africa with most of the protocols. Several countries have been signatories but have not taken time to ratify most of the protocols. And the procedure for ratifying some of these protocols differs from country to country. The ratification process for us in Lesotho is a matter of the executive only. It is normally not taken to parliament and to the people. As a result, some of these protocols do not actually come to the people so that the

people can understand what type of protocol it is and the obligations that go along with the protocol. It may have been that in Lesotho we have had to change the model of our parliamentary setting and other things like that so our political landscape is just beginning to materialise in an acceptable manner. I think these are the three most important things that lead to the ignorance that has been mentioned regularly by my African colleagues. Thank you very much.

Mwitila Shumina
Parliament of Zambia

Thank you very much, Honourable Chair. We are talking about the PAP, but if the Council of Europe, in conjunction with AWEPA, were to carry out a survey on how many parliamentarians in Africa have ever seen a document on the PAP, well I do not know what the result would be. So the question is, if you are talking about the PAP and the regional and national parliamentarians do not know what you are talking about, then how do you achieve what you are looking for? The challenge is actually, in my humble view, this one: we need to get back to the drawing board to look at the issue of ground rules. Did we agree and with whom? And what did we agree we had to do? Because if you are looking for 27 and up to now you have only 12 then definitely we should be able to say this approach has not been helpful and there is the need to get back and see where we have gone wrong so that we can move faster.

Secondly, this also brings up the issue of consensus building, which has to consider the issue of ownership. If our governments met and agreed on the necessity of building the PAP but did not go to parliaments so that the parliaments would go to their constituencies, well, I think that should mean that some governments possibly are not sure of the ground rules and are not clear if they will hold on to the ratification. So I believe that for those who are at the Secretariat, if we have any Secretariat, there is a need for consensus building so that we have a sense of ownership.

The third point, which I believe may make some people uncomfortable but I have to say it, is about the dialogue and the issue of the big brother or the big sister. Now the big brother problem is not only at international level. That problem also exists even at national level because we all have a power struggle. Those who are in the forefront for the PAP should also look at the roles of civil society and the NGOs. If you are talking about a parliament for Africans then, regardless of our political stand in society, we should do all that is necessary to be taken on board because it is our parliament, it is not a ministers' parliament or members of parliament, it is an African parliament. So at what stage have we interacted with civil society and NGOs so that they also have a sense of ownership? They have influence in our communities whether we like it or not. So we have to move together with them.

We have learnt a lot from the experiences of the Council of Europe and of course we cannot copy everything but we can refine the ideas and see how we can move towards the establishment of the PAP.

The second point is that I also strongly feel that we need sub-regional parliaments. Some people may think that if we had sub-regional parliaments we would be moving towards the bureaucratisation of Africa, but far from it. I strongly think that if we have sub-regional parliaments we shall actually create a constant environment for easy interaction and confidence building and we shall share experiences as a region. And as regions we have one already in East Africa and Southern Africa for example, a framework from which it will be easier for us to move to a higher stage.

Finally, on the role of parliaments, I was saying that I think some parliaments have actually worked hard on the transformation we had in South Africa and in Zambia. In Zambia now, when the sectional committees are meeting, the members of the public can come, the press can come. There is no sweeping anything under the carpet because we are discussing a public accounts committee. Maybe there's a big fish who is involved in a scandal? No, that does not work now. Everyone comes at any time and they listen. That has actually given room for

people to think twice before they do anything wrong. I think that the PAP should benefit from that kind of experience.

Session 3

Promotion of Partnerships and Reinforcement of Regional Capacity

Good afternoon. The debate of this session will focus on the role of the Europe-Africa dialogue as an instrument to reinforce human rights defence organisations and, particularly the PAP. It will also address the question of the condition of viable dialogue, strengths, weaknesses and obstacles to partnership. We have Professor Obeng at the table. He has chosen to address the issue of Afro-pessimism, one of the obstacles to the dialogue. His contribution will focus mainly on the German case. Then we have Gottfried from German civil society who will mainly react to his presentation. James Mackie, from the ECDPM, will take the floor and give us his views on African Union and European process partnership. His presentation will be followed by Jos Lemmers' intervention.

Fred Ahwireng-Obeng
Wits Business School, Afrika Institut, South Africa

"An African Response to the Memorandum for a New Start for German African Policy"

The current Afro-pessimism in Germany is without foundation. To say the least, it provokes the strongest possible objection on several grounds. First, the timing is ill-chosen as a number of new development indicators suggest that a good basis is now being laid in Africa for better, future economic performance. Besides, a growing wave of Afro-optimism is now emerging from African and world leaders with the advent of the New Partnership for Africa's Development (NEPAD). But more fundamentally, the growth concept on the basis of which Africa's poverty reduction prospects were projected is heavily flawed and the presumed strong growth-poverty correlation empirically discredited. Additionally, it is a grand fallacy to assume that the reforms of the past twenty years were consistent with the long-term development trajectories of the African countries, which nevertheless were unresponsive thus remaining poor and "structurally undevelopable". Contrarily, these reforms have been pronounced by a World Bank-commissioned assessment team as defective in objectives and design, operationally dysfunctional and an example of massive resource misallocation, all of which have collectively worsened Africa's poverty and income disparity conditions. Ironically too, the concept of "structural stability" prescribed in the "Memorandum for a New Start for German African Policy" falls short of engaging fully and comprehensively the broader spectrum of structural distortions, weaknesses and rigidities including the lack of economic structural transformation, so critical for achieving sustained economic growth and significant poverty reduction. Alternatively, Germany's enormous experience in Africa may be channelled towards re-shaping and refining the partnership components of Africa's development – market access, aid and investment.

Introduction

"For the first time in many years Africans can indulge in the luxury of well-grounded optimism about the future. With diligence, in just one generation, we can sharply reduce the scourge of absolute poverty now afflicting two in five Africans. That said, growth rates are now positive for most African countries, and economic growth outpaces population growth in the case of half of the continents countries. Indeed, economic growth rates are at least double the population growth rates in one-sixth of African countries. These and other indicators point to a determined Africa; an Africa where a younger generation is asserting its commitment to growth and progress; an Africa of expanding internal ties with an awareness of the need to stake its place in the global economy" (Amoako, K.Y. 1996).

The Economic Commission for Africa (ECA) Economic Report on Africa for 1999 reiterates that Africa's macroeconomic performance over the previous four years – with gross domestic product (GDP) averaging 4.5% per annum – has laid a good foundation for further growth. Accompanying the resurgence is a new development paradigm – a development built upon the recognition of Africa's resources, capabilities, history and shortcomings and what complementary efforts can come from outside as determined by Africans themselves. Such is the renaissance, which, in essence, is a total rejection of Afro-pessimism.

Paradoxically, a strong wave of Afro-pessimism is currently running through Germany. A memorandum prepared by a group of German African experts from various research institutions concludes that these hopes are unrealistic – Africa has come to the end of the road. This conclusion is based on the following sequence of economic thinking:

A new World Bank study on Africa's prospects for economic growth says: "Halving the incidence of severe poverty by 2015 will require annual growth of 7% or more and a better distribution of income".

By all accounts a 7% annual growth rate is unrealistic. But assuming this wish came true, and assuming a population growth stabilisation after 35 years it would take 50 years to increase a current average per capita income from $500 to $3 800 – the level of Mauritius which is one of only two emerging economies on the continent. This means, at least 250 million Africans will still be poor after 15 years.

Taking a more realistic prediction of 4% growth, poverty in most countries would only be marginally reduced.

During the last twenty years of some "promising reforms" only a few countries have reached a "take-off" stage or even shown an average annual growth of more than 3%. If the trend of the last two decades continues, poverty will spread further.

Considering that four-fifths of sub-Saharan African countries are classified as stagnant with poor development prospects, stagnant without long-term development prospects or currently without prospects, there is no hope for Africa to sustain growth.

What is worse, these countries have serious economic problems including:

Dysfunctional institutions; low level of capital accumulation; low level of human capital development; low savings rate; reliance on foreign aid; wide inequalities; and many more.

As a result of all this, political and social instability will most likely increase, and the ability of African societies to cope with the challenges having declined rather than improved, many countries will have to be regarded as "structurally non-developable."

The most appropriate paradigm for Africa, based on these conditions is "development through structural stability". By this is meant the "sustainable strengthening of fragile and instable social and political institutions and norms". (Kappel, R 2000).

To begin with, the World Bank report on Africa has been interpreted rather perfunctorily from an obsolete perspective of economic growth. If we accept the orthodox analysis that reducing poverty by half by the year 2015 requires an average GDP growth rate of 7% per year, achieving that growth rate requires investment equal to 33% of GDP. Towards attaining that level, Africa has domestic savings of 15% and official development assistance (ODA) of 9% leaving an investment gap of 9% of GDP (Amoako, K.Y. 1999). Does it really mean that merely bridging the shortfall by whatever means will take Africa to that poverty reduction target? Certainly not. The fact is that the economic growth – poverty reduction correlation is exaggerated in the World Bank report without empirical attestation. Besides, in the illustration cited above, total factor productivity and not capital accumulation largely determines economic growth (Easterly & Levine, 2001).

The criticism that despite "promising reforms" few African countries have "taken off" from stagnation into steady state growth is similarly misleading for two reasons. First, the notion of taking off into a steady state is unsupported by global experience (Ibid). At best, the model is country-specific and better describes developed than developing countries. Second, it is unrealistic to assume in the face of ample evidence that the stabilisation and adjustment reforms "set the right course" for long-term growth of African economies. In that case, it is unacceptable to project Africa's prospects from the trend of the last two decades.

On account of the flawed conceptualisation of economic growth and wrong assumptions about past reforms, the gloomy projection of African development prospects from which the Afro-pessimism is derived is dismissed "as baseless". For the same reasons the notion of development through structural stability fails to appreciate fully the array of structural factors – sectoral, contextual and institutional – which constitute the micro-foundations of Africa's poverty problem.

The rest of the paper develops these objections in greater detail. Section two gives and overview of African economies to demonstrate that recent economic performance is much brighter than the growth figures

reveal. Section three traces the African development experience from the era of independence to the eighties to defend the view that the reforms of the past twenty years were not addressed to place Africa on a long-term growth path. In section four the new thinking about the nature of economic growth is articulated to demonstrate that neoclassical conceptualisations of economic growth which are the theoretical bases of the German view are unsupported by empirical evidence and are therefore discredited. Section five sums up the paper by challenging the view that slow growth is inevitable in Africa. The final section emphasises the need for greater attention to the micro foundations of growth and development and assesses briefly Africa's latest effort to mobilise for development as contained in the New Partnership for Africa's Development (NEPAD) document.

State of the African Economy

The recent economic recovery is renewed reason for optimism but the recovery's sustainability is fragile given the weak domestic savings and vulnerability to external shock. Furthermore, the partial progress in reform leaves structural constraints and institutional weaknesses that limit an aggressive supply response. The majority of African countries still depend on primary products for their exports. Additionally, as inadequate infrastructure increases the cost of doing business, it also undermines global competitiveness. All this has been worsened by drought, disease, civil conflict and poor governance (ECA, 2001).

The African Economy in the nineties

Africa recorded no negative growth in GDP in 1999; and in the same year 19 countries had growth rates between zero and 2.9%, and another 17 experienced growth rates between 3% and 4.9% (Table 1). Mozambique and Equatorial Guinea enjoyed the highest growth rate – 10% and the number of countries with growth rates exceeding the 7% estimated by the World Bank to reduce poverty by half by 2015 increased from two in 1998 to five in 1999.

In the same year the 33 least developed African countries posted an average growth rate of 4.5%, up from 4.3% in 1998 (ECA, 2001).

On sectoral performance, agriculture was mixed having suffered from bad weather, civil unrest and political instability and crop pests and diseases. Industry declined over 1998 with 2.8% growth, but the service sector showed a continued impressive growth of 4% up from 3% in 1998.

Poverty in Africa is widespread and acute, and by 1999 59% of rural and 43% urban Africans lived below the poverty line. Similarly, Africa has the world's worst income distribution with a Gini Coefficient of 51%.

The dollar value of African exports increased by 2.4% from 1998 to 1999 (Table 2), the growth in export earnings due entirely to higher volumes which increased by 6% in 1999 to more than make up for the 3.2% decrease in unit price. Imports increased in both value (4%) and volume (1.4%) to contribute to higher capacity use in the industrial sector.

Africa's current account balance deteriorated from US$18 billion in 1998 to US$21 billion in 1999, a decrease of 17%, from lower export earnings and higher import values. Still, foreign direct investment (FDI) declined from US$9.4 billion in 1997 to US$8.3 billion in 1998 (Tables 3 and 4) a decrease from 2% to 1.3% of global FDI.

Structural Transformation and Productivity Growth

An economy's structural transformation involves changes in the composition of output and the contribution of the various sectors to GDP and employment overtime. Some structural shift has taken place in African economies during the past forty years, the nature and composition of the shift is, however, inconsistent with the global trend (Table 5). The share of agriculture in GDP declined from 40% in the sixties to 21% by the year 2000, but this decline was not accompanied by significant growth in the industrial sector or manufacturing in

particular. The share of industry increased only marginally from 26% to 30%, while the share of manufacturing grew from 9% to 15% during the same period (1960-2000). This lack of sectoral dynamism in African economies is clearly revealed when the three Southeast Asian countries – Malaysia, Indonesia and Thailand – which have all undergone resource-based industrialisation, are compared with the G5 countries and North Africa (Table 6).

In the three countries, a more than 5% decline in the share of agriculture accompanied an almost 5% increase in the share of industry every decade. At the same time, industry grew at about 9% average rate to provide the dynamism required for sustainable transformation. By contrast, no such significant changes have occurred in the selected African countries some of which had average incomes similar to that of the Southeast Asian countries (Table 6).

The growth of total factor productivity in the selected African countries during their high growth was determined significantly by reallocation of labour from agriculture to the more productive, non-agricultural sector. No such evidence of labour reallocation has occurred in other African countries (Tables 7 and 8).

Considering that Malaysia, Indonesia and Thailand reached a transformational turning point at a real per capita GDP of $3 263 the G14 economies will require a growth rate of 4.4% to reach this level by 2025. At this growth rate, poverty will be halved by 2015 (Table 9). Thus, attaining a structural maturity that is accompanied by significant labour reallocation in total factor productivity is a necessary condition for a sustained growth (not necessarily as high as 7%) required for rapid poverty reduction (ECA 2001).

Economic Sustainability and Economic Policy Stance

Africa's economic transformation will require good economic performance (measured by the Economic Policy Stance Index) over a sustained period (measured by the Economic Sustainability Index). When the countries are ranked by their scores in each index and

clustered into three groups of "good", "fair" and "bad", it is possible to explore movements in each index, over time and shed light on each country's transformation potential (ECA, 2001).

The rankings in Table 10 show that the economic sustainability of African countries is low with 24 out of the 47 countries ranked scoring below 3.5 (half of the best practice score of 7), and only five countries – Egypt, Mauritius, Seychelles, South Africa and Tunisia – scoring above 5.

The cluster analysis shows however, that eight countries with 20% of Africa's population have the highest potential for long-term development.

This is encouraging and consistent with socio-economic changes in these countries (ECA, 2001).

The Economic Policy Stance Index combines indicators of fiscal, monetary and exchange rate policies. The scores and rankings for 1999 are shown in Table 11. On the basis of cluster analysis 37% of the population share of Africa enjoys good economic policies. The Expanded Economic Police Stance Index combines the quantifying aspects of policy stance with the Sustainability Index. The scores so obtained by cluster analyses are shown in Table 12. The all-sample average score of 4.2 suggests that deeper and more thorough and coordinated reforms are required. However, the outlook for policy appears more optimistic than for sustainability (Table 12). The ECA report shows further that the correlation between sustainability and policy stance is positive and significant (Table 13).

A Historical Analysis of the African Development Experience

This section will expand on the argument that the orthodox stabilisation and adjustment policies are inconsistent with the long-term development objectives of the African countries and that such policies have pushed the African economies away from their desirable and necessary long-term development paths. In so doing, we will first

review the structural weaknesses of the African economy at independence and the extent to which development policies of the next two decades succeeded in addressing them.

The African Development Experience prior to Stabilisation and Adjustment

Five broad features typified African economies at the time of independence, which most countries had won from colonial rule by 1963. These were: distorted trade structures; very extensive agriculture; limited industrial base; extremely low level of human resources development; and the near absence of public infrastructure (Cornia, 1991).

Development philosophies were, however, diversified and may be classified into three: capitalist development (Kenya, Ivory Coast, and Malaysia; 'African Socialism' (Tanzania) and centrally-planned, state-controlled development (Guinea, Ethiopia and Mozambique). Despite these divergent approaches, there were commonalities in policies evidently influenced by development thinking of the sixties and 1970s (Singer, 1989). Typically, there was a heavy emphasis on physical capital (as opposed to human capital) accumulation as a source of economic growth. In addition, state entrepreneurship filled the gap left by the lack of virile private entrepreneurship. Similarly, import substitution industrialisation became the order of the day. Further, the preponderance of urbanisation with an ancillary role for agriculture and rural development diminished the possibility of an agricultural revolution.

In spite of this old-fashioned development package and a perverse political economy, the African economy, as a whole, performed fairly well with GDP and exports growing at rates similar to those of other main developing regions and overall, faster than South Asia (Table 14). In addition, manufacturing production rose steadily (although from a low base); the savings ratio rose from 14% in 1965 to 20% in 1980; the average primary school enrolment rate doubled from about 38% in

1960 to 79% in 1980; and adult literacy and access to health services improved remarkably.

Coupled with the failure of agriculture was the absence of any significant process of structural transformation. With the share of primary activities in total output dropping from 43% to 30% between 1965 and 1980 the larger part of the shift favoured informal low value-adding activities, the share of manufacturing having stagnated by about 9% during the same period. Thus, overall the African economy entered the eighties rather dependent, monocultural and vulnerable to the more unfavourable exogenous conditions of that decade including changes in interest rates and borrowing requirements, natural disasters and civil strife (Word Bank 1989).

According to the World Bank, the development failure of the immediate post-independence era is usually attributed to excessive reliance on the state and price controls, and favouring inefficient industrialisation leading to serious balance of payment disequilibria. This view, which prescribes policies to "get the prices right" is grossly misleading. On the contrary, we identify four factors primarily responsible for the policy failures to be: the neglect of agriculture; and the failure to modify Africa's international trading position; the substantial deterioration of the fiscal and foreign debt position; and the failure to create an adequate human infrastructure (Cornia, 1991).

These failures, which should have been addressed in the eighties, are the main causes of the lack of structural changes since independence and the continued poor performance even with adjustment, as we will shortly demonstrate.

The African Development Experience with Stabilisation and Adjustment

The beginning of the eighties saw the African economy hit by a series of external shocks due to the second increase in oil price and the resulting recession in the industrialised countries. Four of such external shocks may be identified as: decline in world demand that reduced

Africa's export earnings; a sharp decline in commodity prices and an increase in the prices of manufactured products leading to a fall in the terms of trade for Africa by 7% between 1981 and 1983; an increase in normal interest rate on the foreign debt to 19-20% during 1980-83; and a sharp decline in capital flows since 1983 (IMF, 1989). All this, together with severe drought (1984-85), civil strife and the HIV/Aids pandemic adversely affected inflation, the government deficit and the current accounts of the balance of payments of African countries.

The immediate response to this situation was an IMF-sponsored stabilisation Stand-by Agreements and Extended Fund Facility (EFF) – programmes. They were complemented by a number of Structural and Sectoral Adjustment Programmes as well as the Funds Structural Adjustment Facility (SAF) and Enhanced Structural Adjustment Facility (ESAF). Stabilisation programmes were aimed at re-establishing macroeconomic balance in existing economic structures. Structural Adjustment, on the other hand, was meant to remove the structural problems causing macroeconomic disequilibria which in the Bank's view consisted in "adjusting" the price system and incentive structures and moving towards greater privatisation and export orientation. It claimed that with the introduction of these adjustment measures all structural distortions would be removed automatically through the free play of market forces.

Stabilisation programmes generally have three categories for policies:

a. Expenditure reducing policies aimed at reducing domestic aggregate demand and hence imports. These include public expenditure cuts, increases in fees and indirect taxes, tighter money supply and reduced credit ceiling, and wage control;

b. Expenditure switching policies aimed at increasing the supply of tradable (export and import substitutes) by inducing productive resources (labour and capital) to the tradable sector. This is achieved by using such instruments as exchange rate devaluation, product pricing, trade interventions, export subsidies, import controls, tariffs, and by enhancing factor mobility;

c. Institutional reforms such as privatisation, fiscal reforms, reform of financial markets and price and trade liberalisation aimed at increasing efficiency, improving incentives and stimulating and investment (Cornia, 1991).

World Bank sponsored (SAPS) usually include five sets of policies:

1. Mobilisation of domestic resources through fiscal and financial reforms and improved performance of public enterprises;

2. Efficiency enhancing measures through privatisation or reform of public sector companies, price and import liberation and encouragement of direct foreign investment;

3. Trade liberalisation through the removal of import quotas, tariff reduction and export promotion;

4. Strengthening of the public sector through the reform of the civil service and of public companies; and

5. Social policy reform, the introduction of user fees and greater privatisation of services.

While stabilisation is short term (between 12 and 18 months) adjustment would stretch from three to five years (Mosley, 1987). The adjustment process has dominated economic policy through the nineties to the present day.

Assessing the Effects of Stabilisation and Structural Adjustment in the Eighties

Two sets of criteria may be used to assess the success of stabilisation and adjustment. First, whether the adjustment programmes have succeeded in stabilizing the economy by restoring non crisis conditions in the balance of payments and the fiscus, and in controlling inflation without negative changes in output growth, investment activity and human development. In other words we will have to establish whether

adjustment has been growth-oriented and has had a 'human face', or enhanced the social dimensions of development. The second is whether adjustment programmes have succeeded in removing the distortions and bottlenecks underlining the fragility of the African economy and its vulnerability to exogenous shocks. More specifically, it is pertinent to ask whether:

- Agriculture has modernised;
- Export production has diversified;
- Human development has improved; and
- The resource base has improved.

Stabilisation Performance

The aggregate macroeconomic data in Table 15 suggests that the stabilisation objective has been achieved only partly, at best. Of the 24 countries, which underwent adjustment in the eighties, only 6 achieved lower inflation and lower deficits in the current account and government budget concurrently. While 12 other countries managed to attain two of the three objectives, 6 failed to register any improvements whatsoever. These modest results were obtained at the huge cost of exchange rate devaluation, substantial costs in public expenditure and credit ceilinG5 and the introduction of user prices.

In all except five countries, stabilisation was achieved at the expense of GDP per capita growth. Even when positive growth was achieved such performance would have been less satisfactory when measured on the basis of gross national income per capita (which includes an adjustment for terms of trade changes).

This poor growth performance suggests that the stabilisation policy failed to achieve its stated objectives notwithstanding the large social costs that accompanied the process (Tables 15 and 16).

Structural Adjustment Performance

By the end of the eighties the deep reforms in privatisation, liberalisation of prices and foreign trade, mobilisation of resources, foreign investment and others had not improved the structural conditions in the countries which initiated adjustment programmes. Capital accumulation slowed in five-sixths of these countries; elementary education enrolment declined in 60% of the countries, and the share of manufacture increased in only six countries between 1982 and 1988. Indeed, adjustment seemed not to have been able to prevent a shrinking of the already narrow under-developed industrial base. Furthermore, with the exception of a few countries, changes in production structures and export baskets have been extremely limited.

Clearly then, the structural adjustment efforts initiated in the eighties have not been able to induce the structural transformation desirable and necessary for long-term development. The deeply embedded structural problems of inadequate infrastructure, poorly developed market, rudimentary industrial sector and severe institutional and managerial weaknesses in the private and public sectors have persisted since the sixties and been practically glossed over by expensive stabilisation adjustment policies.

Four main factors have contributed remarkably to the failure of stabilisation and adjustment to achieve sustained growth and structural transformation. These are: inadequate programme implementation; a worsening of exogenous conditions; inadequate external funding; and poor policy design. To begin with, not all of the 241 adjustment programmes were fully and consistently implemented according to schedule. Completion rate was 75%. Besides such exogenous factors as the oil shock, drought and civil wars respectively reduced Africa's terms of trade inflicted losses in output and destroyed infrastructure. Additionally, these losses rather than being compensated by increased financing were aggravated by insistence on debt repayment and demand-weakening policies. Finally, the policy design was inconsistent with the achievement of long-term sustainable development objectives of export diversification, human development and the like. Indeed, the

policies were not only contradictory; they were insufficient and incomplete.

While some improvements have been recorded in the areas of growth, urban infrastructure and education, additional problems such as debt and environmental degradation have emerged. Given that the international economic environment was negative during 1960-1980, what appears certain is that adjustment had no answer to the new problems either.

Some dimensions of microeconomic efficiency may have improved but the World Bank's and IMF's insistence on their policy packages have meant two things both of which are detrimental to long term development: a retardation of economic recovery and digression from achieving long-term objectives of efficient manufacturing, diversified export composition and markets and increased export volume.

In the next section we will discuss emerging evidence on the policy – economic growth relationships on which the reforms programmes were based.

Understanding Economic Growth

Five stylised facts about the nature of economic growth have emerged from a decade of empirical research. These facts not only dispel the over emphasis on capital accumulation but also reiterate the divergent behaviour of income. In addition, they elevate "total factor productivity" (TFP) as the foremost determinant of long-run economic growth (Easterly and Levine, 2001).

First, TFP rather than factor accumulation accounts for the bulk of cross-country differences in the level and growth of GDP per capita even when country-specific effects are controlled. Conceptions of TFP do vary but they invariably reflect disembodied technology, human capital externalities, access to specialised or quality capital or intermediate goods, the degree of competition, changes in the composition of production, the adoption of low-cost production method

or a measurement error usually attributed to entrepreneurship. In other words, injection of physical and human capital is not the driving force for future growth. On the other hand, long-run output growth attracts savings, human capital and investment.

Second, there has been a growing divergence (not convergence) in GDP per capita over the past 200-300 years with TFP growth consistent with increasing returns to technology. Divergence does not necessarily mean that the poor are getting poorer; it means that the rich are getting richer much faster than the poor.

Third, growth is not persistent over time but capital accumulation is; that is, changes in capital accumulation do not closely correlate changes in per capita growth. Consequently, the notion of steady growth is unsupported by global experience. Indeed, steady growth models fit industrial countries such as the US more than developing countries in Africa.

Fourth, there is a tendency for factors of production – physical and human – to bunch together; as a consequence, economic activity is highly concentrated. This tendency holds for continents, countries, regions, states, ethnic groups or even cities and suggests that TFP attracts production factors so that small changes in TFP can have long-run implications.

Fifthly, the policy-growth rate relationship is valid only to the extent that national policies enhance the efficiency (and not necessarily the accumulation) of capital and labour to alter the indigenous rate of technological change and boost productivity to accelerate long-term economic growth.

This body of facts about the nature of economic growth would enable us to assess further the system of thinking on which the Afro-Pessimism revolves and the implications for African economic development.

A pre-eminent role for TFP relative to physical and human capital, in determining the level and rate of growth implies that neither in the period immediately after independence nor in the era of stabilisation and adjustment was economic policy appropriately geared to achieving high growth in Africa. On the other hand, if income diverges in the long run, institutions should play a critical role in reducing inequality. The failure of the various African economic institutions to bring this about is therefore evident of failure of these reforms. Again, if growth is not persistent, it is unrealistic to expect African countries to experience a high steady state of growth in response to reforms that failed to address TFP growth. Furthermore, if economic activity is highly concentrated geographically due to differences in TFP, then improvements in TFP are necessary to attract scarce production factors such as capital to bring about enhanced economic activity. In fact economic policy will have to concentrate on improving the TFP environment to attract capital to Africa, and not by achieving internal and external macro-economic balance as the World Bank and the IMF have presumed. Finally, the policy-growth rate relationship is subject to reverse causality. Therefore, the relationship can, at best, be temporary and not of long-run nature. Consistent with the latter, policies are correlated with short run growth rates and long run growth levels but not long run growth rates. In this sense, the basis of the World Bank's projection that African countries would require an average long-term economic growth rate of 7% to halve poverty by 2015 is conceptually flawed (Ibid).

Is slow growth inevitable in Africa?

Our analyses, so far, suggest three conceptually distinct causes of slow growth: geography, macroeconomic policies and microeconomic inefficiencies. The combined effects of adverse geography and hostile macroeconomic policies include high risk, high transport cost and high dependence on commodity exports. Macroeconomic policies are easier to implement but microeconomic efficiencies are much slower to operationalise and take longer to produce realizable effects. Since the macroeconomic policies of the last forty years have largely failed, leaving structural factors and growth constraints unaddressed, we will

now consider whether slow growth is inevitable in Africa; that is, whether the Afro-pessimism based on Africa's slow growth is justified.

First, there is no doubt that Africa suffers from some geographic disadvantages; however, these are not sufficient to condemn the continent to continued slow growth. According to Collier and Gunning (1998) one reason for this is that Africa's geographic disadvantage is more than offset by its catch-up advantage.

Second, a congenial macroeconomic environment for rapid growth is one that reflects peace among other criteria, and a high index of Economic Policy Stance. During the nineties seven countries were severely affected by civil wars: Angola, Burundi, Liberia, Rwanda, Sierra Leone, Somalia, and Sudan. However, most of these countries, which represent 12% of Africa's population currently, satisfy the condition for peace. Coupled with this is the 37% of Africa's population having enjoyed good macroeconomic policies since 1999. In this respect, the prospects for growth are brighter than have ever been in the past.

The third requirement for growth is the avoidance of microeconomic inefficiencies, which translates into reduced risks in factor, and product markets for households and firms and consequently high levels of entrepreneurial responses. The prospect for meeting this condition depends on the scope for effective mechanisms to lock in governments by placing domestic and external restraints upon policy relapse. The new Highly Indebted Poor Countries debt relief initiative suggests a new political economy of reform that targets aid to countries with sustained record of policy reform rather than imposing donor conditionality – a practice that has been discredited. It is, therefore, likely that the political equilibrium will change sufficiently to permit a more thorough and appropriate macroeconomic reform implementation with the underlying allocative efficiencies.

Searching for a New Development Agenda

This paper has dismissed the Afro-pessimism in Germany as baseless on both conceptual and empirical grounds. First, empirically tested observations about economic growth are inconsistent with the growth model upon which Africa's gloomy future was projected. It has emphasised the turning point for structural transformation as a more useful benchmark for determining whether and when African economies will mature to sustain high growth rates and reduce poverty. In terms of this criterion, the G14 countries will halve the share of poverty by 2015 at a realistic annual per capita growth of 4.4%, in addition to the five good performers (G5), which will do so earlier.

Second, it has argued that the economic reforms of the past not only failed to address Africa's under-development and poverty but also set the continent off the optimal growth and development path. An external review of these reform programmes commissioned by the IMF in 1997 confirmed that the programmes had adverse consequences for poverty reduction through flawed design, dysfunctional conditionality and resource misallocation (Collier and Gunning 1999). Consequently, it is misleading to forecast Africa's future from the past.

The institutional approach prescribed in the Memorandum is not a new idea; it is only a part of the solution. For instance, the environment in which economic agents operate profoundly determines their ability to create or maintain efficient institutions that protect them from high risks, and minimise the cost of undertaking economic activity in order to enhance rapid growth. In fact, the empirical finding that it is total factor productivity and not mere factor accumulation that largely underpins rapid growth confirms the relative importance of the environmental prerequisite.

The development challenges facing most African countries are complex and multidimensional. They involve economic, socio-cultural, political and environmental factors that cannot be addressed through separate and isolated interventions, but through a comprehensive approach that

benefits all segments of a society's growth, employment and poverty reduction (ECA, 2000).

The broad features and the fundamentals of Africa's development strategy for the 21st century are embodied in the New Partnership for Africa's Development (NEPAD). This document provides a vision for Africa, a statement of the problem facing the continent and a Programme for Action to resolve these problems in order to reach the objectives of not only eradicating poverty but also placing Africa on the path of sustainable growth and development. NEPAD outlines the conditions for sustainable development as: peace; security; democracy and political governance; economic and corporate governance; and sub-regional approaches to development. Its sectoral priorities are: bridging the infrastructural gap; human resource development; agriculture; the physical environment; culture; and science and technology. It seeks to mobilise resources through its capital flows and market access initiatives and establish linkages with other initiatives and processes already under way.

The unique strength of NEPAD is that it is led and mandated by African leaders. Moreover, it emphasises rationalisation of a new global partnership with mutual commitments, obligations, interests, contributions and benefits. Unlike previous initiatives, which have failed mainly because of poor timing (the Cold War paradigm), lack of capacity for implementation and lack of genuine political will, NEPAD offsets all three constraints and enjoys the commitments of many world leaders.

In spite of these positive features, NEPAD is fraught with a number of weaknesses. First, its preconditions for sustainable development are mere critical success factors and not sufficient for attaining sustainable competitive advantage in global competition. Second, it is not grounded on any clear philosophy. Third, it is not flexible enough to accommodate rapid future global changes. Granting, however, that the document will have to be fine-tuned on a continuous basis and that every African country will need to craft a strategy that suits its specific socio-political and economic circumstances, a fully and efficiently

implemented NEPAD provides the best cause for optimism, not pessimism.

TABLE 1
Distribution of African countries by real GDP growth, 1995-99

GROWTH RATE (PERCENT)	1995	1996	1997	1998	1999
Negative	6	2	4	2	0
0 - 2.9	11	12	12	13	19
3 - 4.9	23	28	25	28	17
5 - 6.9	6	9	10	8	12
7 and above	7	2	2	2	5

Source: Economic Commission for Africa, 2001.

TABLE 2
Value, volume and unit value of exports and imports – and terms of trade, 1996-99 (percentage)

EXTERNAL TRADE	1996	1997	1998	1999
EXPORTS				
Value	8.1	5.9	-14.5	2.4
Volume	5.2	10.1	3.3	5.6
Unit value	2.9	-4.3	-17.8	-3.2
IMPORTS				
Value	8.4	7.7	-3.5	4.0
Volume	6.5	4.6	-5.2	1.4
Unit Value	-1.9	-3.1	-1.7	2.6
Terms of trade	4.8	-1.2	-16.1	-5.8

Source: Economic Commission for Africa, 2001.

TABLE 3
Balance of payments, 1996-99 (Billions of dollars)

ITEM	1996	1997	1998	1999
Exports	108.6	115.1	98.4	100.8
Imports	99.2	106.8	103.1	107.2
Trade balance	9.4	.3	-4.7	-6.4
Oil balance	21.8	15.8	9.8	12.5
Non-oil balance	-12.4	-7.5	-14.5	-18.9
Services (net, excluding factor incomes)	-10.7	-10.5	-11.2	-10.9
Balance on goods and services	-2.2	-15.9	-17.1	1.6
Current account balance	-6.6	-4.9	-18.1	-20.5
Total external financing	14.9	11.5	15.9	21.6

Non-debt-creating flows	7.0	11.3	10.1	13.2
External borrowing	7.9	0.2	5.8	8.4
Official creditors	10.4	1.6	6.9	6.7
Private creditors	-2.5	-1.2	-1.1	1.7
Changes in reserves[*]	-5.9	-5.2	2.2	-1.1

indicates increase.
Source: Economic Commission for Africa, 2001.

TABLE 4
Foreign Direct Investment in Africa

REGION	1995	1996	1997	1998
Worldwide	328 862	358 869	464 341	643 879
Developing countries	106 224	135 343	172 533	165 936
Africa's share worldwide (percent)	1.56	1.86	2.02	1.29
Africa's share among developing countries (percent)	4.48	4.93	5.42	5.00

Source: UNCTAD 1999.

TABLE 5
Structural transformation of the African economies, 1960-69 and 1990-98
(percentage of GDP)

AGRICULTURE INDUSTRY SERVICE VALUE ADDED						
REGION	1960-69	1990-98	1960-69	1990-98	1960-69	1990-98
North Africa	39.8	18.9	23.9	29.3	36.3	5.18
Sub-Saharan Africa	45.2	23.9	21.2	25.1	33.6	49.1
Sub-Saharan Africa Excluding South Africa	51.4	24.5	20.7	24.8	27.9	50.7
Africa	40.1	20.8	25.8	29.5	34.1	49.7

Source: Calculated from UNCTAD (various years) and World Bank (1998a).

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TABLE 6
Growth of labour share in agricultural and non-agricultural sectors,
1961-90 (percentage)

SECTOR	1961-90	1961-79	1980-90
AGRICULTURAL			
Sub-Saharan Africa*	-0.69	-0.66	-0.75
G5	0.267	-2.28	-3.35
North Africa	-1.85	-1.33	-2.73
Malaysia, Indonesia, Thailand	-1.55	-1.40	-1.81
NON-AGRICULTURAL			
Sub-Saharan Africa*	2.31	2.68	>1.68
G5	1.37	1.47	>1.21
North Africa	1.83	1.63	<2.18
Malaysia, Indonesia, Thailand	2.31	2.49	<2.61

Comprises 26 countries for which data is available; none of the G5 is included.
Source: Cho 2000.

TABLE 7
Sources of factor productivity growth in the G5, annual averages, various years
(percentage points)

Country	Period	GDP growth (percent)	Total factor productivity growth	Human capital contribution	Labour reallocation contribution
Botswana	1970-96	10.1	3.4	1.0	2.0
Kenya	1961-79	6.9	2.4	1.1	0.6
Mauritius	1980-96	5.5	2.8	0.5	0.2
South Africa	1960-74	5.1	0.8	0.5	0.5
Tunisia	1970-81	7.0	1.1	1.4	0.2

Source: Berthelemy and Soderling 1999.

TABLE 8
The effect of labour reallocation on factor productivity growth, annual averages, 1961-90 (percentage)

REGION, GROUP OR COUNTRY	1961-90	1961-79	1980-90
Sub-Saharan Africa*	0.71	0.82	0.49
G5	0.46	0.49	0.40
North Africa	0.63	0.53	0.76
Botswana	2.63	2.98	2.04
Malaysia, Indonesia, Thailand	15.42	12.42	20.62
Republic of Korea	25.28	19.68	34.96

Comprises 26 countries for which data are available; none of the G5 is included.

TABLE 9
Required growth and investment to achieve sectoral growth and resource-based industrialisation

GOAL	REQUIRED GROWTH (PERCENT)	REQUIRED INVESTMENT (PERCENT OF GDP)
Halve poverty	4.5 (15 years) 4.0 (17 years)	44 (15 years) 40 (17 years)
Maximum growth	3.9	44
Achieve structural maturity by 2025	4.5	40-44
Balance sectoral growth and industrialisation	4.1 agriculture 3.0 industry	39 (aggregate)

Note: Required growth is growth rate of per capita GDP a year.
Source: Cho 2000.

TABLE 10
Economic Sustainability Index Scores and ranking by country, 1999

COUNTRY	SCORE	RANK	COUNTRY	SCORE	RANK	COUNTRY	SCORE	RANK
Seychelles	5.62	1	Cote d'Ivoire	3.87	17	Madagascar	2.98	33
Tunisia	5.48	2	Gambia	3.86	18	Mauritania	2.94	34
Egypt, Arab Rep	5.31	3	Kenya	3.69	19	Rwanda	2.90	35
South Africa	5.17	4	Ghana	3.67	20	Angola	2.89	36
Mauritius	5.12	5	Sudan	3.63	21	Guinea	2.89	37
Morocco	4.87	6	Congo, Rep	3.60	22	Congo, Dem Rep	2.86	38
Botswana	4.84	7	Senegal	3.56	23	Mali	2.86	39
Lesotho	4.70	8	Zambia	3.48	24	Ethiopia	2.81	40
Swaziland	4.42	9	Togo	3.45	25	Uganda	2.78	41
Algeria	4.35	10	Cape Verde	3.44	26	Central Africa Rep	2.76	42
Zimbabwe	4.27	11	Mozambique	3.44	27	Burundi	2.4	43
Equatorial Guinea	4.17	12	Nigeria	3.32	28	Guinea Bissau	2.71	44
Cameroon	4.02	13	Malawi	3.20	29	Niger	2.48	45
Tanzania	4.01	14	Burkina Faso	3.18	30	Chad	2.4	46
Namibia	3.93	15	Benin	3.04	31	Sierra Leone	2.25	47
Gabon	3.89	16	Comoros	3.03	32			

Source: Economic Commission for Africa, 2001.

TABLE 11
Economic Policy Stance Index scores and ranking by country, 1999

COUNTRY	SCORE	RANK	COUNTRY	SCORE	RANK	COUNTRY	SCORE	RANK
Mozambique	6.66	1	Congo, Rep	5.67	10	Lesotho	5.04	18
Uganda	6.32	2	Mauritius	5.64	11	Madagascar	4.90	20
South Africa	6.11	3	Gambia	5.56	12	Ethiopia	4.89	21
Gabon	5.89	4	Zimbabwe	5.56	12	Sierra Leone	4.83	22
Namibia	5.89	4	Chad	5.17	14	Angola	4.80	23
Equatorial Guinea	5.82	6	Cape Verde	5.14	15	Central African Rep	4.71	24
Egypt, Arab Rep	5.81	7	Cameroon	5.14	15	Kenya	4.36	25
Swaziland	5.78	8	Zambia	5.11	17	Sao Tome	5.11	
Tanzania	5.68	9	Guinea	5.08	18	And Principe	4.27	26

Source: Economic Commission for Africa, 2001.

TABLE 12
Expanded Economic Policy Stance Index 1999

COUNTRY	EXPANDED INDEX	EXPANDED INDEX CLUSTER	COUNTRY	EXPANDED INDEX	EXPANDED INDEX CLUSTER
Botswana	8.00	Good	Niger	4.00	Fair
Namibia	7.00	Good	Nigeria	4.00	Fair
Swaziland	7.00	Good	Senegal	4.00	Fair
Mali	6.00	Good	Togo	4.00	Fair
Mauritius	6.00	Good	Zambia	4.00	Fair
Mozambique	6.00	Good	Central African Republic	3.00	Fair
Uganda	6.00	Good	Kenya	3.00	Fair
Lesotho	5.00	Good	Burundi	2.00	Poor
Malawi	5.00	Fair	Liberia	1.00	Poor
Benin	4.00	Fair	Sudan	1.00	Poor
Ethiopia	4.00	Fair	All-sample average	4.27	Not applicable

Source: Economic Commission for Africa, 2001.

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TABLE 13
Correlation matrix – change in indexes and income, 1987 and 1999

	Medium-Term Change in Economic Sustainability Index	Economic Sustainability Index 1999	Economic Sustainability Index 1987	Economic Policy Stance Index 1999	Per Capita Income 1987	Per Capita Income 1999
Economic Sustainability Index 1999	0.13					
Economic Sustainability Index 1987	-0.42	0.87				
Economic Policy Stance Index 1999	00.9[a]	0.49	0.48			
Per capita income 1987	-0.07[a]	0.6	0.74	0.44		
Per capita income 1999	-0.04[a]	0.72	0.66	0.35[a]	0.96	
Ten-year per capita income growth[b]	0.76	0.37	0.16[a]	0.11[a]	0.32	0.28

Note: The correlation coefficient is significant at 5% or less
a. The correlation coefficient is not significant at 5%
b. Refers to the average annual growth rate in real GDP per capita during 1988-97

Source: Economic Commission for Africa.

TABLE 14
Average Annual Growth Rate of selected macroeconomic indicators in Sub-Saharan Africa and South Asia

	Population		GDP		Agriculture		Manufacturing		Export	
	65-73	73-80	65-73	73-80	65-73	65-73	73-80	65-73	73-80	65-73
Low Income SSA	2.6	2.7	6.0	2.8	2.2	2.6	2.7	6.0	2.8	2.2
Middle Income SSA	2.8	3.3	5.2	1.4	2.2	2.8	3.3	5.2	1.4	2.2
Total SSA	2.6	2.8	5.9	2.5	2.2	2.6	2.8	5.9	2.5	2.2
South Asia	2.4	2.4	3.7	4.3	3.4	2.4	2.4	3.7	4.3	3.4

Source: World Bank (1989).

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TABLE 15

Selected macroeconomic indicators for adjusting countries in Africa South of Sahara in the 1980s

	CA/GDP		Inflation		B. Deficit g/GDP		GDP/c gr	Inv/GDP		Primary EE		Manuf/GDP f/		GR of exports
	81-82	87-88	73-80	81-88	80-81	87-88	81-88	80-81	78-88	82-88	MEY	82	88	82-88
C.A.R.	-13.2	-17.1	14.9	7.0	-3.9	-0.21	-0.4	7.8	12.7	74	66	6.4	5.9	-0.2
Ivory Coast	-	-	15.6	3.1	-11.1	-3.4k	-0.5	27.1	13.7	74	70	11.1	13.4	-3.6
Ethiopia	-6.1	-9.0	5.4	1.8	-4.2	-7.4	-1.0	10.2	15.1	40	37	11.3	12.5	0.4
Ghana	-8.4	-4.3	43.0	47.0	-5.6	0.5	-2.0 m	5.1	11.6	777	71	5.5	7.3	6.9
Guinea Bissau	-48.0	-42.5	6.3	47.02	-25.0	-15.7	1.8	27.6	26.0	63	56	19.7 ab	5.8 ab	2.6
Kenya	-7.8	-8.1	11.6	9.6	-6.6	-4.4	0.0	29.2	25.2	107	96	18.8 ab	16.4 ab	3.0
Liberia	-3.7	-14.3	10.2	1.5	-8.9	-7.3	-5.3 m	21.8	9.2	47	40	6.8	6.1	-4.3
Madagascar	-15.2	-1.7	11.2	18.4	-12.5	-4.4	-2.8	20.8	15.6	136	94	19.0 ab	15.8 ab	-3.7
Malawi	-14.8	-1.6	9.7	12.7	-14.2	-7.5	0.0	21.1	15.0	62	66	16.0 ab	16.5 ab	5.3
Mali	-17.0	-17.3	10.6	3.5	-4.2	-3.8	0.2m	17.2	15.7	24	23	9.3ab	11.6ab	9.2
Mauritania	-42.3	-22.1	9.1	8.8	-8.5	0.0	-1.2	39.0	19.1	37	52	24.4ab	19.ab	5.5
Mauritius	-9.6	-0.2	17.2	7.9	-10.3	-1.8	4.7	23.0	25.7	114	106	15.7	22.5	12.2
Niger	-19.8	-10.3	8.2	4.2	-7.8	-4.0	-4.0	28.4	9.5	27	22	-	-	-5.5
Nigeria	-7.1	-1.9	18.0	13.1	-7.4	-1.0	-3.9	21.0	12.4	97	77	12.5	9.7	2.7
Senegal	-21.6	-9.7	10.0	7.3	-1.2	-3.0	1.4	15.8	14.9	51	60	16.4	16.6	8.7
Sierra Leone	-14.7	-5.7	14.8	42.0	-11.1	-9.0	-1.21	17.6	10.6	-	-	6.5	4.8	-3.3
Somalia	-34.7	-39.8	22.0	38.0	-7.7	-	-0.2	35.2	34.3	29	5	4.4	3.4	-15.2
Sudan	-14.2	-7.4	16.7	32.0	-3.5	13.8	-0.2	14.7	10.2	50	49	7.0	8.5	1.8
Tanzania	-6.1	-23.1	15.4	26.0	-7.5	-3.3	-1.3	21.8	22.0	90	66	9.4	7.6	-2.2
Togo	-16.1	-11.0	9.9	6.2	-3.8	-4.3	-2.1	30.0	22.6	111	101	9.7	8.1	2.1
Uganda	-8.5	-6.4	39.0	105.0	-3.9	-2.6	-1.4	.5	13.5	58	70	4.4	4.9	5.4
Zaire	-5.4	-13.7	40.0	17.5	-3.3	-12.7	-1.0	15.0	11.8	94	76	3.1	3.1	-3.4
Zambia	-17.8	-7.0	9.0	33.0	-15.7	-12.0	-4.1	21.3	12.0	90	97	20.4	24.8	-2.3
Zimbabwe	-11.1	-0.7	2.2	12.1	-8.4	-9.2	-1.5	20.9	19.8	130	128	24.4	23.7	1.5
Improving or positive	16		12		16		5	4		5		6		11
No change	2		1		2		3	1		3		9		4
Worsening or negative	6		11		6		16	19		16		9		9

Source: UNDP/World Bank (1989); World Bank (1990b a/ Industry; b/ over 1980-87; c/ taken from Tinguiri (1991); d/ improved; e/ deteriorated; f/ no change in assumed whenever the share of manufacturers in GDP or the growth rate of the volume of exports does not change (=-) by at least 1.5 percentage points; g/ including grants; h/ no change (in constant prices) is assumed whenever ratios change less than =/- 0,1%; i/ 1986; k 1985; m/ GNP.

Legend: CA/GDP = Current account balance/GDP ratio; Inflation = Average yearly change in GDP deflator; B. deficit/GDP = Government budget deficit (including grants) GDP ratio; GPD/c gr = Average annual growth rate of real GDP per capita in constant prices; Inv/GDP = Gross investment/GDP ratio; Primary ER =Gross enrolment rate in primary education; manuf/GDP = share of value-added in manufacturing in GDP (in constant prices); GR of exports = Average annual growth rate of the volume of exports.

Notes:

G5, G14 and G18 African Countries.

The five good performers in Africa (G5) – Botswana, Mauritius, Morocco, South Africa and Tunisia – have demonstrated the ability to sustain reforms and achieve structural diversification, and thus to cushion themselves against possible external shocks. They show strong positive trends in core infrastructure, high and improving educational attainment, international competitiveness, and robust financial markets.

Fourteen potentially emerging Sub-Saharan countries (G1) show the prospect of a sustainable take-off. They made progress in removing macroeconomic imbalances and relative price distortions, including inflation, budget deficits, black market foreign exchange premiums, and real exchange rate misalignment. Compared with other Sub-Saharan countries, G14 countries exhibit a potential for financial sector development with less distortion in financial systems. The G14 also show greater political stability, which could contribute to the implementation of sounder policies over the projection period. Half of these potentially emerging countries belong to the African Financial Community (African Financial Community zone: Benin, Burkina Faso, Ivory Coast, Gabon, Mali, Senegal, and Togo). The others are Ghana, Ethiopia, Kenya, Mauritania, Mozambique, Uganda, and Zimbabwe.

The 18 other Sub-Saharan countries (G18) do not meet the criteria for sustained improvement in economic performance. In addition to the above-mentioned differences with the G14, the G18 have significantly lower investment, less appropriate macroeconomic policies, and greater structural imbalances (related to trade and finance).

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Gottfried Wellmer
European Network for Information and Action on Southern Africa (ENIASA), Germany

"Promotion of Partnerships and the Reinforcement of Europe-Africa Dialogue: a NGO Perspective"

I am a member of a German network of solidarity group that came into existence by supporting the liberation struggles in Southern Africa, basically a kind of anti-apartheid movement that had a liaison network with other European anti-apartheid movements. When finally the last country in Southern Africa has been democratised and has had free elections, we ask ourselves two questions: should we dissolve our networks or should we think of re-orienting our solidarity work? We came up with the idea that because there are such long-lasting colonial links of different natures between Europe and Africa, we should look at what Europe is doing in terms of its economic foreign policy and see the effects of those policies on the member countries of SADC. Then, we should use our knowledge of the history of these countries to possibly build a lobby.

The second idea was to find partners in the NGO community in Southern Africa with whom we could define the priorities in Southern Africa and raise these priorities also in European forums as a common issue of concern. We did have meetings every second year with NGOs, relatively prior to the ministerial meeting of SADC-EU ministers. Recently we met in Copenhagen and in Maputo. It had to be a double session because the EU did not want to have Zimbabwe invited to Copenhagen. So we have been trying at least for the last six-seven years to build a kind of dialogue between NGOs around selected various topics like the free-trade policy of the EU, the European pharmaceutical industry and HIV/Aids… We are now going to focus on the World Trade Organisation issue concerning water.

What I want to share with you is that we are a bit of an old-fashion group because we had at our beginning a popular supporting movement

for the liberation struggle in Southern Africa. We have tended to have larger local membership and sometimes spend a lot of time talking with our membership.

Since the nineties, there has been a new type of NGO coming up in Europe with sometimes a dozen members and a huge group of supporters but who do not have a vote in the running of the organisation. It is a small core membership style with a kind of brain trust behind them, producing excellent research and having effective lobby power on donor governments or whatever other bodies. But what they are missing out on is what we used to have: internal democracy among members. The formulation of their policies is not supported by supporters. I think maybe this type of NGO came up with the collapse of the Eastern bloc. Momentarily, for a decade, we had no vision of an alternative to our own societies. Therefore the trend came for professionalisation for effectiveness of actions.

Now since Seattle, let us say as another starting point, this type of modernised NGOs has been sidelined. They are still there and still very effective but sidelined by a new kind of social movement emerging worldwide that is trying to define – it has not yet finished doing it – an alternative world society. A different vision from the one proposed by the trans-national corporations. I believe that this is happening because there are broader groups of populations really engaged in debates on all levels - local, regional and international.

The last thing I would like to address is funding for NGOs in Africa and Europe. This is a difficult point for us. We are struggling very much to survive. We are not a rich NGO. We do get funds from local and regional sources and we get EU funding for our biannual Europe-Africa NGO meeting. So far, it has been happening every other year. We hope that we can continue getting this funding but there is no security there. What I do observe is that, in terms of EU development funding, there is a waste of money. A third of the European development funds goes back to the European national finance ministers because it does flow off. And this is not just because African or other countries are not able to define their projects and get the

money. It is also a question of the way the EU itself operates. One of the things might be to have a consultation between Africa and Europe on how to make the development funding more efficient. In getting not only project defining funding flowing but also structure defining funding flowing. It does mean structural adjustments. It means thematic issues that one could tackle then.

James Mackie
European Centre for Development Policy Management (ECDPM)

"The EU and the AU: Natural Partners"

Good afternoon Ladies and Gentlemen.

I am from ECDPM, which is an independent foundation that specialises primarily in ACP-EU relations. But the European Commission has asked us to undertake a study to guide them a bit in how they could be supporting the AU Commission but also more broadly the AU as a whole and what sort of a relationship they should be developing with the AU and that's what this work that we have undertaken is about. We had to learn quite a lot very fast and quite a bit of the paper is sort of describing, it is a sort of a snap shot of where the AU has got to and what we see as the strengths and the weaknesses. This paper is partly based on ongoing research work being done by ECDPM (Jean Bossuyt & James Mackie) on behalf of the European and African Union Commissions to suggest how best the two institutions might establish regular cooperation. Views expressed are purely the responsibility of the author and do not in any way engage either of the two Commissions.

The African Union perspective of a European observer

On both sides of the Mediterranean we live in exciting times for those interested in continental integration: to the South the AU was established less than a year ago and to the North the EU has announced its prospective enlargement to include some ten new member states in the next few years thereby nearly doubling its membership. Inevitably the question arises of what relationship should exist between these two neighbours; and yet barely a month ago came the announcement of the postponement *sine die* of the only political dialogue process that brings together the EU and Africa: the EU-Africa Summit set for Lisbon in April 2003.

The European Union is considered by some to be a "natural partner" for the African Union in its long-term transformation process towards an effective apex institution. The European Commission is already exploring ways to reinforce partnership relations at the political and institutional levels. Thus, it has already announced a major grant for the activities of the AU's new Peace and Security Council and it is also looking at what institutional support (knowledge sharing as well as grants) it might provide to the AU transition process. But how should such a "natural partnership" really be developed in circumstances where the two parties are far from equal in terms of the resources they command?

It also has to be said that there is considerable questioning in the international donor community about the AU. This of course finds a mirror in debates going on in Africa itself: how is the African Union different from the OAU? Is it well rooted in popular aspirations? How will such ambitions ever be achieved given the paucity of resources available? Why should the African Union succeed where other grand pan-African plans have not produced the hoped-for results? And how does the African Union relate to NEPAD, which the donor community has also been asked to support? Finally how to support financially and yet avoid dependence? To build up an AU-EU relationship, therefore, there is first a need to understand better the AU and the grounds for providing it with support.

The search for a "new style" pan-African level of governance

The first key message that comes forcefully out of ECDPM's consultations in this area is that Africa urgently needs an effective pan-African level of government, which gives African governments a framework to act collectively and decisively on peace and security, stability, democracy and economic development in the continent.

The creation of the African Union may seem rushed but, of course, African nations already have 38 years of experience of working

together. The concept of Pan-Africanism[1] and pan-African governance has even older roots and finds a regular echo in the thinking of many African intellectuals and statesmen, from the great leaders of the independence movement to present day initiatives such as NEPAD. There are those therefore who see the AU as the next logical step in a progression towards a goal formulated already a century ago in the first days of the struggle against colonialism.

For most new African nations at independence, giving up even part of their hard won sovereignty was too big a step to contemplate. When it was established in 1963, the OAU was therefore organised around the common ground of safeguarding national sovereignty and a respect for the frontiers set under colonial rule. The recent conversion to the AU can thus be seen as recognition that history has moved on and that the time has now come to start, albeit tentatively at first, with pooling sovereignty step by step[2].

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[1] A first pan-African conference was organised in London as far back as 1900 by a Trinidadian, Sylvester William. Thereafter a Pan-African Congress was established and meetings were organised regularly, notably by Burghardt Dubois in Paris in 1919 (1st congress) and George Padmore in Manchester in 1945 (5th congress), throughout the first half of the century. In the mid 1900s the generation of future leaders of independent African nations (Kenyatta, Nkrumah, Nyerere, Kaunda and Haile Selassie) became the key actors in the debates. Ultimately these resulted in the establishment of the OAU in 1963 but only after a division between a "maximalist" group of nations advocating a "United States of Africa" and known as the Casablanca Group and the more "minimalist" Monrovia Group (cf. article by Mwayila Tshiyembe in the "*Le Monde Diplomatique*" of 22 July 2002 "*Difficile gestation de l'Union Africaine*" for a more detailed analysis of this debate and its influence on the creation of the OAU and AU).

[2] In fact the late fifties/early sixties debate on a possible "United States of Africa" was revived by the Libyan leader Qaddafi at the Special Summit in Sirte in September 1999. Other African leaders were more cautious, although there was a general agreement that the OAU had outlived its usefulness and a new construct was necessary that "combined the OAU and the African Economic Community (AEC), Abuja Treaty 1990, into a single organisation radically different from the present OAU" (South African position at the Lusaka Summit quoted in Kornegay, Francis, Sept. 2002 *"Beyond the OAU: African Union or Afro-Jamahiriya?"*, Global Dialogue Vol. 5.2 – www.igd.org.za).

Why this new sense of urgency? Four main push factors seem to be at play:

The recognition that many of Africa's problems can probably only be solved at a continental level[1] and that in an increasingly globalised world this is becoming ever more the case. The question is therefore more how best to organise an appropriate continental framework rather than whether it should exist or not. At the core of this discussion is, however, the question of national sovereignty.

The need to address a wide range of pressing political, economic and social development challenges. The proliferation of conflicts on the African continent is but one case in point. Effective responses to crisis situations require action at different levels (local, national, regional, pan-African and global), each of them having a specific role and added value.

Unity cannot be built on geography alone. The experience of successful integration processes (such as the EU) points to the importance of developing common values in key areas (security, stability, human rights and democracy). At a national level, most African countries are involved in processes aimed at redefining the political "rules of the game", building a democratic culture and defining a new social contract between state and citizen. It is increasingly recognised that the AU, as an African-led apex institution, could play a catalytic role in bolstering common values across the continent.

The growing consensus that the Organisation of African Unity had outlived its usefulness is a fourth push factor. The Charter that gave legal existence to the OAU in 1963 was clearly a child of its time. It stressed the need to join forces for the further liberation of the

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[1] Cf. for instance discussion on advantages of supranational integration along the lines of the AEC for improving Africa's attractiveness for investment in Badarinde, Dec. 1998, African Development Review, Vol. 10.2 pp 90-120, *"A Neo Functional Examination of the African Economic Community: Lessons from the Experience of the European Union"*.

continent. It reflected the very strong adherence to the principles of sovereignty, non-interference and centralised policy-making. Over time, new objectives were added, including the promotion of economic integration. Yet the restrictive legal framework reduced the OAU's capacity to intervene in major political crises (e.g. the Rwanda genocide). A major gap developed between policies adopted by heads of state and their effective implementation. Ownership levels gradually fell, both among member states (many of whom failed to pay their contributions) and among the people of Africa (who had not been associated with the process). Furthermore, successive reforms initiated by the OAU to enhance its overall capacity to act did not yield the expected results (partly because they were conceived in too piecemeal a manner, without addressing the fundamental problems of the institution).

All this prompted the search for a "new-style" pan-African level of governance. Not just "an OAU with a different name", but an institution that is both conceptually and operationally different from the OAU. There appears to be a broad consensus that to mark a clear break with the past, confound its critics and sceptics, and to carve itself a respected place in African and international affairs, the new Union should, at the very least, achieve four goals: prove it offers a clear added value for Africa and Africans; drastically improve on its delivery capacity with respect to the OAU; have a democratic foundation other than just the authority of heads of state; build solid partnerships with other regional and international bodies.

Potential added value

On paper, the African Union holds great development potential. Closer integration is a precondition for enhancing Africa's political and economic clout in a globalised world so that it can attract the investment and foster the economic activity on which to build its prosperity. The AU can provide the solid political and democratically accountable framework required to underpin African-led responses to continental challenges such as NEPAD. It has a comparative advantage in certain areas such as peace and security where it only can provide

continental-level components to a collective effort that has to be carried out on a national, regional, continental and international scale[1].

The AU can also act as a crucial "change agent" by setting collectively standards for governance and by monitoring the effective implementation of agreed policies. The Constitutive Act creates new opportunities for a more proactive approach on such matters than hitherto, by, for instance, establishing the right of the Union to intervene in national affairs in certain grave circumstances[2].

While the OAU was primarily driven by heads of state, the AU holds the potential for also being an institution that is pushed by the concerns of African citizens, civil society, the private sector, etc. The Union recognises the value of involving African civil society in the Union provides for mechanisms of democratic accountability and moves far beyond the OAU model of association built purely on the interaction between heads of state with provisions for a Pan-African Parliament (PAP), an Economic, Social and Cultural Council (ECOSOCC) and a Court of Justice.

Furthermore, an effective Union could be instrumental in raising the voice of Africa in international forums and to increase its overall

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[1] A recent Swedish Government Evaluation Report (Engberg, K, June 2002, Swedish Embassy in Addis Ababa) of the OAU/AU Conflict Management Centre explains the importance of tackling peace and security issues at multiple levels and argues clearly the case for supporting the AU in this area:
"The overall political goals for supporting African conflict management are to:
- Contribute to conflict management (preventive, conflict, post-conflict) on the African continent, in accordance with principles of good governance and international humanitarian law, with the aim of enhancing security and prospects for development on the continent;
- Contribute to the ability of Africans to shoulder their responsibilities for security on the continent;
- Link African security and international security." (p. 5/39).
[2] Article 4(h) of the Constitutive Act provides for the AU to intervene in a member state in *"grave circumstances, namely (...) war crimes, genocide and crimes against humanity"*. Article 30 provides for suspension in cases of governments coming to power through unconstitutional means.

bargaining power on vital policy issues for the whole continent (such as debt or trade liberalisation).

Whether this potential is also effectively activated will depend on many factors, including the political vision and determination of member states, the push for change from societal forces within Africa, the levels of international support, etc. Yet it is important to stress that the Constitutive Act of the AU creates new opportunities and legal avenues for a proactive approach of the Union (see Box 1 below).

Box 1: From OAU to AU – What is really new about the AU and its Commission?

From Unity...	... To Union
♦ Single source of authority: Assembly of heads of state and government ♦ Therefore: purely a collaboration of governments of sovereign states ♦ Respect for national sovereignty ♦ No interference in internal affairs ♦ No questioning in public of actions of other governments ♦ No pooling of sovereignty envisaged ♦ Prime objective: collective struggle for national liberation from colonialism and defence of national sovereignty ♦ OAU separate from AEC established by Abuja Treaty	♦ Multiple sources of authority: Assembly of heads of state and government + judicial (Court) and democratic institutions (Parliament) ♦ Respect for national authority + right to intervene in grave circumstances ♦ Provision to suspend governments coming to power unconstitutionally ♦ Provision for peer review mechanism in NEPAD ♦ Provision of public monitoring of delivery in the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) ♦ Prime objective: strengthening position of Africa vis-à-vis global economy and international community ♦ AEC and its regional integration programmes incorporated in AU

From Secretariat…	… To Commission
♦ Authority: executive ♦ Appointed Secretary General and assistants to Secretary General ♦ Carry out decisions of head of state ♦ Purely intergovernmental approach	♦ Authority: executive + own power of initiative ♦ Elected commissioners ♦ Own political mandate ♦ Collegiate decision making ♦ Specific political task of its own ♦ Community as well as intergovernmental approach possible ♦ Custodian of treaties

The bumpy road towards an effective AU

In practice the road towards a strong and effective African Union will inevitably be long and bumpy. There is no shortage of problems to be overcome and bottlenecks that will complicate the lives of reform minded actors.

Chief amongst these is probably resistance from more conservative member states and particularly their reluctance to cede sovereignty. This is a natural and understandable factor, prominent in the European context as well, but, with a Union that from the start has all the 53 hugely varied states in Africa as members, the problem is more acute. Yet there is little doubt that the issue of sovereignty is at the core of the transformation of the OAU into a truly empowered AU. Creative ways will have to be found to facilitate a pooling of sovereignty and the development of community domains.

Many observers and commentators feel the AU has been created too fast, imposed from above and, burdened in addition with the limited legacy of its predecessor, is therefore unlikely to succeed. This tension is also noticeable among the different AU stakeholders. Certain member states, identifying a "window of opportunity", have chosen a strategy of forging ahead fast while the momentum exists, even if they upset some apple carts in the process. Others feel a more gentle

approach would yield better results, but there is a strong argument to suggest that, with such an unwieldy and large group of nations, progressing slowly step by step would simply get nowhere.

Finding an adequate solution for financing the AU is another particularly intractable problem: the OAU's difficulties with collecting members' "assessed contributions" have pushed the AU to look into new sources of financing. A number of other institutional change questions are equally complex and difficult to resolve. The major human resource issue left behind by the OAU is another such, with the need to fundamentally renew, change and modernise the organisational culture and staffing in the face of rapidly declining morale and limited resources.

The AU concept is largely based on the European model of integration. While there might be very good reasons to choose this model, questions can be asked on whether the objective conditions for such an integration process to succeed are present (e.g. in terms of common interests in the political and economic spheres).

Many other hurdles on the road to effective change could be added to the list (including leadership issues, fragile national foundations for an effective apex organisation, weak enforcement mechanisms, etc.) In such a context, the extent and timing of political support and cooperation of the international community could well be crucial and could in fact make the difference in terms of extending the window of opportunity or not.

As indicated above, a closer examination shows that a good case can be made for the establishment of the AU at this juncture. There are clear institutional differences between the AU and the OAU which suggest that the AU does offer an important potential value added particularly in the area of making the AU more transparent and accountable to all Africans. At the same time, there is no doubt that supporters of the AU project have to be realistic and recognise that there are still many difficulties to overcome. Given this cautiously positive assessment of the prospects for the AU, where does the current stalemate in the

official EU-Africa dialogue that the cancellation of the Lisbon Summit represents leave the prospects for building up a strong AU-EU relationship?

The EU-Africa Dialogue

The first EU-Africa Summit was held in Cairo in April 2000 during the last Portuguese presidency of the EU. The summit was not easy: the EU being reluctant to work with an OAU in which it did not have great confidence, the latter insisting on its position as the continental-level organisation with a political mandate to organise such a dialogue on the African side. The conclusions of the summit were wide ranging and not particularly incisive, but they gave a basis for intermittent, but continuing dialogue at official and ministerial level for the next few years in preparation for a second summit to be held in Europe in 2003.

For a long time, interest in holding this second summit was low, particularly in Europe, where it was felt that it would achieve little of value. At one stage it was even suggested that the second summit was all along seen purely as an end point, a diplomatic way of ending a process that was unavoidable. Cairo could not very well have ended without a Plan of Action to be executed over the next few years and there was therefore a need to review progress made and draw a line under it during a second summit. However, latterly, a renewed interest began to emerge as EU leaders realised that African initiatives such as NEPAD and the establishment of the AU might perhaps provide a stronger justification for the summit. This renewed hope for the future of the process was then only to be dashed on the rocks of EU sanctions against Zimbabwe.

It is worth focusing briefly on discussions after the summit. During these official discussions away from the public gaze, a narrower list of key themes was identified where it was felt possible to move the discussions forward. Further work was thereafter focused on these themes, using meetings of expert groups as well as of officials and ministers. Ultimately the results have been mixed and with the effective cancellation of the Lisbon Summit none of them have reached a

conclusion in the time set. To run quickly through the eight chosen themes a few comments on each are enough to get an idea of progress made.

Return of cultural goods – Discussions here progressed reasonably well. An expert meeting was held in November 2002 with UNESCO support, which advanced some fairly concrete recommendations including the drawing up of an inventory of activities and positive projects being carried out in this area.

Human rights and democracy – Positive discussions on principles led to the EU receiving a request from the AU for funding in this area and there is a good level of agreement on which further cooperation can be built.

Prevention, management and resolution of conflicts – On this question agreement has been substantial. European nations have been appreciative of the work done by the AU Conflict Management Centre and this has crystallised in the EU approving a major grant to the AU for work in this area.

HIV/Aids and pandemics – The African side here feels that they have insufficient access to the UN Global Fund and so wish to establish a specific African Fund for resourcing the fight against pandemics and have suggested that HIPC funds which currently tend to go into the Reserve Banks of African countries could at least partially go into fighting HIV/Aids. The Europeans are not so keen on the idea.

Regional integration and trade – This issue is seen as more of a policy debate. The question for the EU is how to make the AU aim of creating a continental market match the European negotiations with the ACP Group on economic partnership agreements, which is primarily organised around the Regional Economic Communities (RECs).

Environment – The main movement here is on the EU initiative for water for Africa that was announced at the Johannesburg Summit. The

United Nations Environment Programme is involved in the discussions, which are apparently progressing well.

Food security – In practice this is not a major issue, as there is a general agreement on policy and the talks are focusing more on practical questions.

Africa's external debt – African states and particularly the lead country in the negotiations, Nigeria, have been very disappointed by the lack of progress here. On the EU side, the lead is with France with German support and the French have refused to allow an experts meeting and have not been willing to contemplate a new European initiative on debt beyond HIPC. Overall the European position is that this is not the place to discuss debt and they would rather leave this to the G8 and the HIPC/World Bank arena. African leaders however expect something more of their European partners.

What is absolutely clear is that the political dialogue between AU and EU must continue at a formal level. Developing a strong relationship without a dialogue at the political level is a non-starter. So, now that the Lisbon Summit has been postponed, what comes next? Obviously behind the screen dialogue is continuing between the two Commissions, between some of the major EU member states active in Africa and their African partners, and formulas are no doubt being tested to revive the dialogue. One possibility would be a regular 6-monthly joint troika meeting. Summits, although they do carry weight and command media attention, are nevertheless cumbersome mechanisms and this setback does at least provide an opportunity to look at alternatives.

Developing such an alternative is essential, however, because political dialogue is an essential ingredient for a real partnership and a solid EU-AU relationship. The Cairo process, although currently stalled, is the obvious starting point for building up this dialogue and the creation of the AU creates the potential for making that dialogue far more real than in the past.

EU Support to the African Union

The case for supporting the institutional change process

The AU and indeed the future of pan-African governance clearly find themselves at a critical juncture. Whether or not the AU will be able to seize this window of opportunity will also depend on the strategic support it receives from the donor community.

Different attitudes towards the AU co-exist within the donor community. At this initial stage, there is inevitably a widely shared and fairly high degree of scepticism as to whether African member states, in all their diversity, can mobilise sufficient political capital to construct a "different Union with sufficient levels of authority and autonomy". Yet there is also a broad recognition that there is an institutional vacuum at the pan-African level of governance, that could usefully be filled in by a truly effective African Union (as can already be observed in some policy areas, such as conflict prevention and peace building). In strategic and operational terms, a variety of donor responses prevail, including relative indifference ("why should we get involved?"); confusion ("should we support the G-8 process, NEPAD and/or the AU?"); wait-and-see attitudes ("let's first see whether the AU can show improved performance"); careful engagement ("we need to do something, but with our eyes open") and to a choice for a proactive support ("this is a key process, to be fully supported over a long-term period of time").

High expectations exist as to the role the EU can play in supporting the difficult transition process towards a legitimate, effective and viable AU. The underlying message is clear: given its long-term declared interest in African development, the EU should adopt a voluntary approach, based on a long-term political vision as well as on a calculated assessment of the risks involved.

The case for an ambitious EU agenda towards the AU can be supported by the following arguments:

Ownership. There is a lot to be gained by supporting an African-led political project. The AU is a purely African construct. It is not pushed on Africa by external forces nor is it even the product of a deal between the West and Africa (an image that still dogs NEPAD and reduces its political effectiveness).

Comparative advantage. Despite the often-difficult history of Africa-Europe relations, the EU finds itself in a rather "unique" position to support the AU, primarily because of its own experience with integration processes and the proximity factor. This gives rise to the often-heard notion of AU and EU as "natural partners" and to the proposition that EU support is likely to be qualitatively different from support received from a bilateral or indeed multilateral donor. For instance, a genuine partnership with a "global player" and another continental body such as the EU is important for the AU to secure in terms of the way it is recognised internationally.

Support for political change. Related to this, a strong EU involvement would indicate support for the potentially far reaching yet still fragile change processes currently taking place in African governance and ensure that it plays its part in securing the gains to be had from this historic window of opportunity.

Shared policy objectives. If the AU can organise its activities around its "core business" (peace and security, governance, economic integration), this would constitute solid building, blocks for a mutually beneficial partnership, as these concerns are also at the core of the EU's foreign policy and development cooperation.

Value of a strong partnership between the two Commissions. As a corollary of the EU special position, the European Commission is perceived by many stakeholders (including EU member states) to be ideally placed to play a catalytic lead role in terms of building strong political relations with the AU Commission and ensuring a coherent international response to the AU.

Such a rationale also implies a particular type of strategy of support. It implies first that the support should be underpinned by a political relationship between the AU and EU. Secondly that the support is long term, flexible and multi-faceted and not just short term, ad-hoc and static. Thirdly it implies that the *EU should be offering to support the AU's fundamental project of institutional change and development, which* will enable it to build up the type of new organisation that will indeed be capable of rising to the major challenges that the African Union faces.

Growing consensus on shared premises for the road ahead

Despite the enormity of the post-Durban task, close examination of the first steps taken in the institutional change and reform process reveals *a substantial and growing consensus on shared premises for the road ahead* amongst the principal actors.

Chief amongst these shared premises is the high level of *agreement that exists on the premier political role of the AU as the apex political body on the African continent.* While opinions may vary about the scope of the AU's mandate or the precise level of its authority, the fundamental premise of this proposition is not challenged. It is recognised both within and without the AU and the current debate is all about how to strengthen the body and make it more effective and *not* about its legitimacy or very existence.

Secondly, there is a fairly widespread recognition that *the success of the AU will depend on its relevance to the needs of all Africans.* It is recognised that the OAU did not meet this criterion. A search is therefore already on for the best ways of involving African citizens in the AU and avoiding the trap of the *"democratic deficit"* (as experienced by the European Union).

The Constitutive Act and the statutes of the Commission outline a long list of tasks that the AU and particularly the Commission will have to undertake. At first sight therefore it would seem that there is little recognition of the need to prioritise. In fact, however, there is a *high*

degree of consensus among officials and member state representatives (which also finds an echo among the principal donors) *around three priority domains for the AU:* the *peace and security* agenda; the whole area of *good governance* including human rights and democratisation, transparency and accountability; and finally the question of the *economic integration of* the continent.

Coupled with this there is also a realistic internal debate on the proper role for the AU in each of these areas. Given that, there are other actors already present and *active in* each domain, the principles *of subsidiarity* and comparative advantages will need to be applied consistently. It is also acknowledged that roles may differ in nature and intensity according to the policy area covered. In peace and security, for instance, the AU can fully use its collective force and leverage to mediate and broker deals. In the area of good governance, it has a key role to play in "pushing for change" in the way political affairs are conducted across the continent. In health and education, the role of the AU will consist more in harmonisation, coordination and monitoring. Similarly, in matters of economic integration, the members' concern will be to provide a framework in which the RECs could operate, encouraging collaboration and gradual harmonisation. In the gender policy area, the role has been more one of encouraging higher standards, raising concerns and sharing expertise across the continent.

A final common premise is *recognition of the need for profound institutional changes based on a shared assessment of the weaknesses of the OAU.* Fundamental points such as the need for a stronger and more competent Commission and a less bureaucratic work culture are widely agreed. The need to give Commissioners a political mandate and find candidates that command a high level of respect both in Africa and internationally is also recognised.

Promising institutional innovations

Within the ongoing reform process it is also important to emphasise a number of *promising institutional innovations* which are already being

considered and which can provide a solid basis for change. Several key innovations can be observed:

First there is a will to build *a new "doctrine" or common set of values* for the AU institutions. This principle is evident at different levels and is understood in different ways, so will require more time to be concretised and brought into effect, but the will to create a new culture is certainly there.

There is also a willingness to introduce *systematic monitoring of the implementation of plans*. This trend is particularly evident in the incorporation of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)[1] into the African Union Commission (AUC). The CSSDCA "Solemn Declaration" provides in a consolidated text all the treaty commitments made by African heads of state over the past thirty odd years. In a sense it represents the "compact" between African civil society and their governments against which delivery performance will be judged. That such a tool should be taken on by the AU and incorporated into its official structures is of major significance.

Conscious of the enormity of the tasks ahead and the impossibility of the AU carrying these out on its own, members of the AUC leadership are also most aware of the need to adopt a *networking approach and to search for complementarities* with other organisations. This is already evident in the way the Peace and Security division works and in discussions that the AUC has been conducting with the RECs[2].

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[1] The CSSDCA or Conference on Security, Stability, Development and Cooperation in Africa originally emanated from African civil society as a mechanism to monitor the progress made by African states to fulfil the commitments they had made in a whole series of treaties. The OAU Lomé Summit (July 2000) adopted the CSSDCA Solemn Declaration. Thereafter a CSSDCA secretariat was established in the OAU Secretariat, where it now constitutes a small unit charged with instituting the monitoring process and building up links with African civil society so as to enhance accountability and transparency.

[2] RECs: Regional Economic Communities – a division of roles between the RECs and the OAU was already provided for in the Abuja Treaty, which describes the RECs as the pillars of the OAU. This concept has been taken up again with renewed vigour in

In order to translate the principle of civil society *involvement* into practice, work is going on at the level of the AUC to identify suitable mechanisms for meaningful dialogue and collaboration. While the ECOSOCC should provide the primary institutional forum for participation, it is recognised that other arrangements will also be needed to ensure an ongoing and effective partnership with civil society.

Main risks and tensions in the transition process

On the other side of the equation, stakeholders need to be aware of a number of more negative features of the reform process. Chief amongst these is a *low level of dialogue* between the two key actors: the political masters, i.e. the member states, and the executors, i.e. the Commission. This would appear to be largely a legacy of the past. Thus OAU member states were used to taking far-reaching summit decisions with a minimum of debate and virtually no attention to detail and implications. The dangers of such an approach are obvious and this may well still prove to be the Achilles heel of the whole effort to construct the African Union[1]. A stronger culture of dialogue between the member states and the AUC is needed on the one hand and, on the other, internally between the member states themselves so that there is greater consensus on details and understanding of the implications of decisions.

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the new AU context and discussions have been going on between the continental and the regional bodies on how best to concretise the idea.

[1] To give one example: at Durban, or even in the weeks immediately thereafter, it would seem that no discussion took place between the member states and the Commission – for instance at the level of the member states troika and the Interim Commissioners – on an acceptable overall level of the budget for the new Commission. It was clear to everyone on the one hand that with the higher ambitions the budget would have to be increased and on the other hand everyone recognised that many member states were having difficulty paying their OAU membership fees and certainly could not contemplate an increase. The mismatch between expectations and capabilities was recognised because the AUC was asked to look into alternative sources of funding, but no guidance was given as to an indicative budget figure to be used for design purposes, until such time as the new level of membership fees could be discussed.

One other serious problem, which is at least widely recognised and accepted if not yet resolved, is the *organisational culture* of the AUC. Most interviewees agreed that it remained too bureaucratic and centralised, leading to very slow and ineffective decision-making and implementation processes. This clearly has to be changed and modernised with new ways of working brought in.

The sheer scale *and complexity of some of the reforms* required is also a risk factor. To name but two:

The search for alternative funding mechanisms to reduce dependence on members' allocations is one serious question mark. Some studies have been done on this subject, but there is still a good way to go before really credible solutions are identified and accepted.

Equally the human resources question is a major area of difficulty: staff levels are currently low, there is a need for further changes and a major recruitment drive based on open and competitive principles.

Matching (core) objectives with available resources

The primary challenge for the successful establishment of the AU is achieving a clear political agreement on the "core-business" of the AU in relation to the resources it will be able to mobilise. In the past, the OAU has suffered from being assigned huge responsibilities in a wide range of policy areas without receiving the means to properly achieve its ever-expanding mandate. This mismatch between objectives and resources needs to be avoided at all costs with the AU if it is not to be condemned to similar levels of inefficiency.

However, ensuring a proper match between objectives and resources will not be an easy exercise. First, on the resource side, even if creative solutions can be found with alternative funding mechanisms (beyond member states' contributions) and donor support increases, there will not be enough resources to implement all aspects of the AU's Constitutive Act nor to set up all the 17 organs in an immediate future.

But things are also complicated on the mandate side. It has been noted that there is a growing consensus around three key fields of work: (peace and security, good governance, and continental economic integration). Yet it can also be observed that *"the AUC is keen to restrict itself to its core business, but member states tend to push us in non-priority areas"*. Furthermore, the AU brings together a whole raft of pan-African projects, some going back many years (e.g. AEC) and some of recent origin (e.g. NEPAD) and the portfolios of the eight Commissioners (in addition to the Chair and Vice-Chair) cover a seemingly wider variety of tasks. To some extent these projects overlap, converge and indeed revolve round these three domains. However, the multiplicity of projects and initiatives and the fact that each has its history and particular actors and stakeholders who do not yet necessarily understand how their work can be sensibly integrated into the AU creates a major problem of perception about what precisely the AU is set up to achieve (for an overview of the different strands of work-woven into the AU see Box 2).

Current donor support strategies tend to add to the confusion. Dialogue initiatives are taken at different levels (with or without a proper articulation to the AU). Funding is targeted at selected themes, mechanisms or structures, reflecting donor priorities rather than the search for a coherent institutional set-up under the aegis of the AU. A case in point is the generous funding provided to the NEPAD Secretariat in South Africa.

Box 2: Strands in African political discourse brought together in the AU

• OAU strand: African *political unity* strengthens Africa's position in the world and Africans should handle *conflict prevention, management and resolution* on their continent for themselves.
• Abuja Treaty (1991): African *economic integration* to promote development, creation of AEC on basis of "pillars" of RECs (Regional Economic Communities). The Treaty provides for gradual establishment of PAP, Court of Justice and ECOSOCC and recognises African Charter on Human and Peoples' Rights.
• Arusha Declaration: African Charter on *popular participation* in development.

> • CSSDCA: involvement of civil society bringing *accountability,* transparency and principles of action in four key areas to be known as the "Four Calabashes":
>
> ♦ *Security* — *A*U to be responsible for security in Africa;
>
> ♦ *Stability* — rule of law, good governance, human rights, democracy, etc.;
>
> ♦ *Development* — promotion of economic cooperation and integration;
>
> ♦ *Cooperation* — member states should act jointly and collectively.
>
> • NEPAD: "partnership for development" between African leaders and the international donor community and in which the former pledge to work to *eradicate poverty,* ensure *good governance and efficiency* while the latter would provide new and additional *resources;* it involves an *African Peer Review Mechanism (APRM)* and is organised around three components:
>
> ♦ Conditions for Sustainable Development: peace, security, good governance, sub-regional and regional integration;
>
> ♦ Sectoral Priorities: infrastructure, human resources, agriculture, environment, culture, science and technology;
>
> ♦ Mobilizing Resources: debt relief, ODA, domestic resource mobilisation and a Market Access Initiative.

Typically this is leading to questions such as: is NEPAD really a programme of the AU and if so when will it be fully integrated? Who should do the peer reviews in different areas? How will the AU be articulated with the RECs? Do the RECs agree with the AU coordinating their regional integration efforts? If the establishment of 17 institutions within the AU framework is unrealistic compared to available means, what sequence will prevail for putting in place non-core organs?

A strategic roadmap for the establishment of other AU organs

In 1991 the Abuja Treaty laid out a timetable for the establishment of various pan-African institutions that have now been provided for in the AU Constitutive Act. The Act does not, however, reiterate this timetable or even refer to any particular sequencing. The practicalities of establishing these institutions has, however, been one of the questions the Interim Commission have been examining as part of their work on the implementation of the Durban Decision.

This is clearly an area of uncertainty, which it would be desirable to clarify in order to unify stakeholders and increase support, but what sort of approach should the AU be taking to this question? There are obviously practical considerations such as the availability of resources, but the question also has an important strategic dimension in terms of institutional development, as each organ has particular functions and competences and can assist the development of the AU in different ways.

In terms of helping the AU itself to develop into a democratic institution, three key institutions to look at are probably the ECOSOCC, the Court of Justice and the Pan-African Parliament. The financial institutions, on the other hand, relate more specifically to the economic integration aspects of the work of the AU and the timing of their establishment should therefore be considered in that different context.

Each of these three institutions has a specific potential role to play in the institutional development of the AU:

The ECOSOCC, Economic, Social and Cultural Council, is the prime means for formally involving organised civil society in the AU – it could then provide a useful impetus on accountability issues and on ensuring that the AU is more in touch with African people than the OAU.

The Court of Justice: Although Article 18 of the Constitutive Act, which provides for the establishment of the Court, does not describe its functions, Article 26 on Interpretation clearly indicates that, once established, *"The Court shall be seized with matters of interpretation arising from the application or implementation of this Act."* In the interim such matters will be considered by the Assembly. Thus, until such time as the Court is in operation, interpreting the Act is purely a question for those that signed it, i.e. the member states, with no third part involved. Potentially, therefore, the Court could play an important role in pushing the evolution of the Union forward by giving an independent assessment of what the Act means and providing a valuable counterbalance to member states' views.

The Pan-African Parliament is a key institution in terms of ensuring that the AU becomes a truly democratic set of institutions sensitive to popular will, accountable in its work and relevant to ordinary Africans. Again, therefore, the PAP should prove to be a valuable counterpart to the intergovernmental structures on which the AU is currently based. Its establishment is likely to be a complicated and costly matter. A particular challenge will be its relation with national and sub-regional parliaments.

All three of these institutions can provide a useful counterbalance for the member states in the construction of the AU and help ensure that the AU, unlike its predecessor the OAU, is not just an institution for heads of state and governments but also has its feet firmly on the ground among African citizens. What strategy to define then for the sequencing of these institutions and what process will be used for defining this roadmap?

Developing new relations and complementarities with stakeholders

As the AU has been formed from the weaving together of a number of organisations and pan-African initiatives, it has inherited a large variety of tasks that it is expected to pursue despite limited means. As discussed above, a consensus on the major priorities is, however, emerging and there is also recognition that in each area of activity the specific role and value added of the AU needs to be clearly defined and pursued if the institution is going to have any impact. This then would suggest an approach that relies heavily on networking and seeking out complementarities with other actors in each field. Thus *the AU could ideally become a facilitator and enabler more than an executor in its own right. In other words, operationality could be seen as the exception rather than the rule.* A key challenge is then to see whether such a strategy is feasible and whether it is possible to identify stakeholders with whom such complementarities could be achieved.

Thus, in every area in which it is active, the AU would have to develop a whole network of actors with whom it would be in touch: state and non-state actors, African and international knowledge institutions and

execution agencies, the public and private sectors, etc. The aim would be not to organise or coordinate these contacts, but to know them and know what they do, help facilitate their networking and exchanges at the continental level, help construct a harmonised continental framework for their activities, where that is useful, and assist them in building African alliances as solid bases for their international work in global spheres.

Within the whole range of organisations in Africa that the AU can deal with there are some key institutions with which the AU needs to collaborate very closely. Three examples are worth citing:

Chief amongst these organisations with which to collaborate are the RECs. The AU has 53 member states, a large and unwieldy number with which to work, but Africa also has the RECs. The complementarity between the two levels would seem obvious but how will the RECs themselves view this question and are they really prepared to work within a framework provided by the AU? What strategy should be adopted in trying to rationalise and harmonise their varied mandates and roles? What attitude will the African member states take towards such an exercise once difficult choices start to have to be made[1]?

Another key linkage for the AU is the UN system. Various links with the UNDP and the whole family of UN specialised agencies already exist and, among them, the link with the UN-ECA is an absolutely essential resource organisation with which the AU needs to develop a strong working relationship. The basic separation of roles between the AU and the ECA would seem to be clear[2], but can this be clarified, and what process is required to reach an agreement between the two organisations?

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[1] Olumide Ajayi (African Development Forum III, March 2002, op. cit) for instance, goes very far in this argument suggesting that the RECs should in due course become an integral part of the AU, possibly even serving as the "Regional Coordinating Centres for the AU".

[2] The AU has the political mandate while the ECA has expertise, knowledge and experience with an African focus particularly on the economic development side.

The first steps have already been taken to build up the AU networks with African civil society organisations through the AU Civil Society Desk and the CSSDCA. African civil society organisations are increasingly interested in the AU and supportive of the principles that underlie its creation. There is huge potential here for collaboration and outreach for the AU. African civil society organisations can be expected to bring to the AU institutions a dynamism and breath of fresh air which, if they are given their due place, will do much to ensure that the AU becomes a very different organisation from the OAU. How can the AU find the resources to tackle this work systematically? Are all the member states seriously committed to ensuring civil society is fully involved in the AU?

Gaining international credibility

Low credibility was another major weakness of the OAU. The launch of the AU has undoubtedly created an openness to look at the situation afresh in the international community, including a certain degree of good will among donor agencies. Yet, as mentioned above, this is mixed with scepticism and a certain wait-and-see attitude. What then need the AU do to overcome this reluctance and gain both the political recognition and material support it will need?

The OAU's lack of credibility was partly a product of its inefficiency and poor record of delivery, but also of the way the institution was treated by its own members. Much will probably depend on the outcome of the Maputo Summit, the decisions taken there and the way these are communicated to the outside world.

One particular area where clear leadership and a good communication strategy would greatly enhance the AU's credibility in the international donor community has to do with NEPAD. The continuing confusion amongst the public over whether or not NEPAD is within the AU is damaging. How best to put an end to such public discussion and not just state that NEPAD is a programme of the AU (as President Obasanjo has certainly been doing), but also demonstrate this

effectively is a key question to resolve in the search for ways of enhancing the AU's (and indeed also NEPAD's) credibility.

Showing effective results in particular areas of work is another obvious way of enhancing the AU's credibility. The international donor community is already appreciative of the results being achieved by the AU in the peace and security area. But can one or two other areas of work be identified in which the AU could show results? Strategically pursuing "early wins" could well be a move at this stage in the organisation's history.

Conclusions

The need for a continental level of governance for Africa is now well established and the African Union project provides for some interesting and valuable improvements on its predecessor the OAU. The long-term aim of what the AU should ideally become has also been well described. More discussion is however still required on the priorities the AU should tackle in the immediate future and on the longer term sequencing of all the different projects under the AU umbrella. A major question also remains on how the AU should do all this work in practice. There are a variety of agencies on the continent that share the same arena, and a more adequate *modus vivendi* between them and the AU needs to be detailed. In particular the role of the regional RECs with respect to that of the AU must be properly resolved so as to avoid unnecessary overlap or competition.

It is also clear that, if it is going to work in a way that its predecessor the OAU did not succeed in doing, the AU will require considerable support and investment by stakeholders. For non-state actors this represents a major opportunity to become involved in shaping continental-level governance for Africa, which the OAU never really offered. Although the vehicles that will permit this in a formal sense, the ECOSOCC and ultimately the PAP, are not yet established, opportunities for civil society interaction with the AU already exist and should be explored and exploited.

Support for the AU inside Africa must come first and foremost from African member states. The importance of paying membership fees in terms of not just the financial support they provide but also of the political support they indicate cannot be underestimated. But African member states also need to be far more consistent in their approach to continental governance and ensure that what they ask of AU, NEPAD and the regional organisations is well thought through, consistent and well communicated.

Support from the international community is also required but caution must also be exercised here, as it is vital that the AU does not become dependent on donor support, as this would greatly reduce its credibility and effectiveness. There is therefore a delicate balancing act to be achieved here, which will require considerable skill to manage on both the AU leadership and the donor community sides. The approach taken in NEPAD to this question is probably part of the equation but more work needs to be done on this.

(See appendix on next page).

Appendix: Steps on the road to the AU

Since 1999 a series of summits and ministerial meetings were key moments in the establishment of the AU and notably:

• Sirte (9.9.99) OAU Special Summit
  - ♦ Libyan proposal for a federal United States of Africa with a US-Congress style Pan-African Parliament (PAP) as the apex organisation
  - ♦ Declaration on the establishment of the AU.
• Abuja (May 2000) CSSDCA's 1st African ministerial meeting
  - ♦ Called on African leaders to implement the Sirte Declaration and establish the AU, the PAP and accelerate the implementation of the Abuja Treaty establishing the AEC (African Economic Community)
• Tripoli (June 2000) Ministerial Conference on the Establishment of the AU
  - ♦ Clarification of the relationship between the OAU, AU, AEC and PAP
  - ♦ Finalisation of draft documents for the Lomé Summit
• Lomé (11 July 2000) 36th OAU Summit
  - ♦ Constitutive Act of the African Union is approved
  - ♦ CSSDCA Solemn Declaration approved
• Sirte (March 2001) protocol establishing the Pan-African Parliament
• *Entry into force of the AU Constitutive Act (26 May 2001)* – one month after it was ratified by the 36 member states
• Lusaka (July 2001) 37th OAU Summit
  - ♦ Asked Secretariat to prepare the establishment of the AU and make proposals for this to the Durban Summit
  - ♦ Year from Lusaka to Durban designated as a *"transition year"*
• Durban (July 2002) 38th and last OAU Summit and 1st Summit of the AU
  - ♦ OAU disbanded and AU formally established in its place
  - ♦ First year was designated as an *"interim year"* to allow the now "Interim Commission" to finalise proposals for the structure and financing of the new Commission and the election of new commissioners
• Maputo (July 2003) 2nd AU Summit is expected to:
  - ♦ elect 10 AU commissioners for a first four-year term of office
  - ♦ approve a budget and financing proposals
  - ♦ approve structure of the African Union Commission (AUC)
  - ♦ approve plans for setting up other institutions

Jos Lemmers
Executive Director of the North-South Centre of the Council of Europe

"Partnership: a Response to the Challenges of Globalisation"

I will try to be as organised as possible to complete the available time in a useful way. We have heard Mr Obeng talking about the reinforcement of regional capacity. We had James describing the context of Euro-African partnership. In the case of Gottfried, we went into partnership with NGOs on the Euro-African relationship. What I will try to highlight is first of all the role of the North-South Centre in this context and then go into the items of the agenda.

Our interest at the North-South Centre is primarily to raise European awareness about North-South realities and enter into dialogue with other continents about a common future based on fairness in the relationship. All this work we are carrying out is based on what we at the North-South Centre call a quadrilogue partnership. Let me just explain what we mean by a quadrilogue partnership. You will not find it in any dictionary but it relates to the link between governments, parliamentarians, local and regional authorities and non-governmental organisations. We think that all these four actors are actually involved in relations between Europe and Africa but very few places exist where they can meet and look at the common reality of the relationship between the two continents. So we think that it is very important that this is done through the North-South Centre of the Council of Europe. Let me just remind you that the Council of Europe, as you have understood from some other interventions, is a body of 44 states in Europe, which is of course more than the EU currently with 15 members but soon to expand to 25. All the European Union members are really involved in the work of the North-South Centre (NSC) although they are not all members of the NSC. We have a total of about 20 members in the NSC. So, about half of the European countries are members of this voluntary structure.

I would like to talk about process, because I felt a little bit challenged by my neighbour when he said that we had not talked about the context of what was really happening in this field. I want to mention that we are planning three regional workshops between Europe and the three regions of Africa that we have identified for this purpose. The first one of these three workshops is the one here in South Africa, involving Southern and Eastern African countries, a second workshop is meant to be held relating to Western and Central Africa, and a third workshop will cover the Northern African countries. The three regional workshops will feed a meeting which is meant to be held in parallel with the Second Africa-Europe Summit which was, as you remember, planned for early April in Lisbon but has now been postponed. We do not know yet when this will take place and where it will take place. It is no longer certain that it will be held in Lisbon. A lot of this will no doubt depend also on what happens in the coming weeks in relations between countries in general.

Now I would like to move on to the necessity of finding some practical answers on the methodology when dealing with the five questions that are on the agenda of this particular meeting. First of all, how can we reinforce human rights defence organisations and particularly the PAP? Secondly, how do we address measures for setting up new partnerships and relationships at all levels. Thirdly are the measures for finding new sources of funding for the promotion and protection of human rights within the framework of the new regimes of the African Union and NEPAD. Fourthly, are the strategies for the reinforcement of capacities, mobilisation and rational uses of resources for the PAP. And finally, there is the involvement of civil society in the Africa-Europe dialogue. This is, of course, a quite heavy agenda but let me try in the very little time available to me to bring in some proposals covering at least some of the ground.

First of all I would like to affirm the importance of regional integration and the constitution of partnership. Regional integration and the constitution of partnerships between the different regions of the world form the two pillars of democratic and peaceful management of the planet.

Secondly we should try to find an answer to the question of what we mean by and expect from partnership. In my view it has to reflect a level of participation and a sense of ownership.

My third point would be the challenges and stakes at the heart of the new Africa-Europe partnership. One of those challenges is related to our capacity for creating the right conditions for a real dialogue. That involves the partners in a broader way than only the leadership on the respective continent.

The fourth point then would be the objectives of this dialogue. We have to respond regionally to global challenges of globalisation. Both in Europe and Africa and in other parts of the world how do we deal with this from a non-governmental perspective in this new game, worldwide game, this new reality that is falling upon us and that is no longer related to national states which have become too small to manage the matter?

Fifthly, I think we have to deal with the obstacles to dialogue and partnership. We can observe a clear asymmetry in relation to the level of means at our disposal.

My sixth point then, and I will soon come to an end Chair, is about the conditions for success in dealing with this very broad challenge. I think first of all we need to improve on the ethics of listening. If we do not listen to the different levels and different actors, we will not find the answers. We have to take into account priorities of both the North and the South in this process. If we give priority to one of the two without taking into account the other side we will not reach any longer term answers. We may even increase the diversity of approaches and therefore disintegrate the process of dealing with the issues on the table in front of us. Dialogue is essential and has to be open to civil society. If not, we will not manage to find the answers to the questions in front of us and the constitution of a public opinion favourable to development is, in our eyes, a big challenge in Europe. We mobilise public opinion in Europe on issues that relate to global development.

I will conclude then, Chair, with five action proposals that are really based on what I have listened to here over the past day and a half. They are not entirely new and you will, I think, recognise some of them, which I consider to be maybe of the most useful orientation for the future of this process.

First of all, as mentioned by many participants, an annual quadrilogue forum would be extremely helpful to enrich the process that we are living through.

Secondly, my second and third proposals referring to Ben Türok's proposal, I would see a joint task force, involving parliamentarians, academics and NGO representatives. We could also design, by internet and other modern methods, ways of communicating between parliamentarians, academics and NGOs to find answers at a more democratic and more reflective level to the tendencies that we discussed earlier. At the same time, still at the working-level task forces, I would see a process of discussions and dialogue which should involve the trade unions because, as I think Neil Coleman this morning pointed out very clearly, working people and the trade unions as their organised reflections, need to have a role in this process. I did not include them in the joint task force of parliamentarians, academics, and NGOs because I think that some of their issues may be a little different and although it would be an enrichment, it might overpower the first task force. So I would see these two processes as parallel and hopefully, mutually reinforcing.

Finally I would like to strongly support two African initiatives, which I heard of in the course of this meeting. First of all a forum on Africa, following the proposal that was made by the Irish Forum on Europe which already exists in the Irish situation following the result of a vote in Ireland on European unification. I think a forum on Africa would be a very helpful intra-African process of dealing with some of the issues on the table. And finally still on African initiatives, topical meetings on issues of pan-African concern, maybe with selective European participation to compare notes on some of the issues on the table. But in my view, there should be primarily African initiatives.

Thank you, Chair, and I apologise like my neighbours for taking a little longer.

Chenhamo Chimutengwende
Zimbabwe Member of Parliament

"Towards the Second Euro-African Summit: Human Rights, Democratic Governance and the African Union"

Introduction

This second Euro-African Summit comes at a time when the world is going through an accelerated globalisation process. Good as it may be, globalisation also has its ills, especially as it tends to impact negatively on certain fundamentals of the African economies.

It is because of this that an opposing school of thought has advocated multicentric and regulated globalisation, which knows and respects the organised regional blocs in both the North and South.

These organisations like the European Union and the African Union should be sincere partners in cooperating for the development of the peoples in their respective regions in the continued fight against poverty, and the protection and promotion of human rights, democratic governance and other ideals cherished by humanity the world over.

Admittedly the EU is the developing world's main partner, providing 55% of all official international aid and also constituting the biggest trader and foreign investor. In the light of the EU's financial or other muscle, it is possible, with the right orientation, for the EU to make a positive impact on the development processes of the South. The fight against poverty should continue to guide Euro-African relations and development policy efforts.

A number of anomalies will need to be corrected especially with regard to Foreign Direct Investment injected into the developing world. Available statistics indicate that Foreign Direct Investment (FDI) is unevenly spread, with 55% of it going to the top five developing nations while only 1% goes to an unbelievable 48 of the so called least developed nations.

It is imperative therefore that, as we deliberate and dialogue at this second Euro-African Summit, we keep in mind the objectives of this meeting, namely:

- To strengthen international awareness of Africa's potential;

- To encourage Africa's integration into the world economy;

- And to construct strategies and partnerships to promote peace and reduce poverty thereby contributing to sustainable human development.

Human Rights and Sustainable Human Development

Human rights have broadly been defined to denote the universality of rights possessed by all persons by virtue of their common humanity and their entitlement to a life of freedom and dignity. Human rights are universal, inalienable and indivisible. Today a number of human rights declarations exist, key among which is the Universal Declaration of Human Rights, which has almost assumed the status of common law due to its widespread usage and binding nature on all state parties.

Taking cognisance of the fact that all persons have an inalienable right to development, it follows that governments and other actors in society should ensure that conditions for the promotion and protection of these rights exist. Human development in this context denotes the processes of enlarging people's choices and capabilities. The other areas of people's choice will of necessity include participation, security and sustainability in order to lead self-fulfilling and healthy lives.

Today, it is widely recognised that the issue of the HIV/Aids pandemic should take centre stage in the development discourse if the multifaceted impact of the epidemic is to be arrested. The right to healthy lives is negated if societies fail to allocate sufficient resources and effort to assisting people affected and infected by the HIV/Aids virus. This is an area where, at an international level, Euro-African relations should be consolidated and augmented with the ultimate

objective of reversing the negative impact of the pandemic, especially on the African population.

The following statistics illustrate the gloomy picture. 90% of the world's orphans reside in Africa where 80% of the Aids deaths have occurred and 70% of the population is presently living with the HIV/Aids disease. If this trend continues unabated, the epidemic threatens to reverse all the development gains made during the past two decades or so. Thus Africa would need massive cooperation and assistance to complement her efforts to improve the potential of the health delivery system.

Democratic governance

The concept of governance is not a new one to humanity, as it is as old as human civilisation. Governance involves not only state actors at national and international levels, but also corporate players, civil society and the individuals who constitute the communities we live in. In general terms, therefore, governance can be taken to mean the process of decision making and the process by which such decisions are implemented or not implemented. In another sense, governance can also be understood to imply the process whereby public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights.

It becomes evident, therefore, that governance and human rights issues are inextricably linked for the cherished betterment of sustainable human development. Only through democratic governance can the above ideal be approached and, better still, be realised. Democratic governance should strive to uphold the noble principles of participation, transparency and accountability and should be people-centred. It should go beyond these ideals by being responsive, effective and efficient, equitable and inclusive, and ensuring that the most vulnerable groups in society are heard in decision-making. Democratic governance should also be responsive to the future needs of society. It is, however, encouraging to note that Euro-African relations also strive to uphold the above ideals of good governance and respect for human rights. Both the

European Union and the African Union continue to champion adherence to these noble principles. Admittedly there is still room for improvement, as both organisations continue to explore new ways of promoting and protecting the practice of democratic governance.

The African Union

The African heads of state at their extraordinary OAU Summit in Sirte, Libya, on 2 March 2001, declared the establishment of the African Union, based on the unanimous will of the member states of the OAU. The OAU operates via the instrument of a Constitutive Act which replaces the OAU Charter.

During the Lusaka Summit of 9 July 2001, the meeting expressed a strong conviction to see to it that, unlike its predecessor, the AU was endowed with the capacity to achieve the objectives of enhancing the economic, political and social integration and development of the African people.

In a deliberate effort to enhance democratic participation in the activities of the Union, the Lusaka Summit decided that NGOs, professional associations and civil society organisations should be involved in the formulation and implementation of Economic, Social and Cultural Council (ECOSOCC) Programmes.

In a nutshell, the AU is the regional organisation for economic and political coordination for the continent's 54 nations.

Programmes of the Union

The AU has adopted two important programmes to see it through its transition period. The programmes are meant to address the key challenges confronting Africa and facilitate the attainment of its objectives.

The Conference on Stability, Security, Development and Cooperation in Africa (CSSDCA)

This is a civil society initiative bringing civil society organisation into the mainstream of the AU's decision-making.

It is a policy development forum.

It is also a framework for forging and sustaining the Union's common values.

And it is a monitoring and evaluation mechanism for ensuring the actual implementation of collective decisions taken by the AU.

New Economic Partnership for Africa's Development (NEPAD)

This represents a plan of action for the political and economic rebirth of Africa.

It is designed to give new impetus to Africa's development efforts.

It represents a partnership between governments and economic actors and between Africa and the international community, in particular the developed countries.

Conclusion

North-South initiatives culminating in this second Euro-African Summit, which brings together significant stakeholders from both Europe and Africa, should impact positively on the development process of both regions.

Indeed, the natural resources endowment of the two regions are not the same, with Africa serving as the source of raw materials and cheap markets and the North serving as the manufacturing hub for Africa's resources. These relations are inevitably unequal and a cause for concern and the continued impoverishment of the developing south.

It is at these meetings therefore that we should re-examine trade relations to ensure equity in the development process so as to overcome African's poverty and ensure sustainable human development. I thank you.

DEBATE

The floor is open for debate.

Lindiwe Mokate
Chief executive officer, South African Human Rights Commission

You will excuse me because mine is not really a question; it is more of a comment. In South Africa, when people talk about public participation, they talk about NGOs and parliament. In South Africa, there are *animals* that sit uncomfortably somewhere between parliaments and NGOs and we call them statutory bodies. These are independent bodies, which are not really NGOs in the sense that they are state-funded. But at the same time, even if they are advisory bodies to government, they are not government. So I am just saying that when it comes to participation and issues like these, I think it is important to consider these bodies also. They are not governments, but at the same time they really cannot be said to be NGOs because NGOs typically fundraise for their living and I know that some NGOs live much more happily than we do. Very recently, those who attended the World Conference against Racism know that the UN has recognised these bodies.

I do not want to make a speech but my comrade from Angola raised the issue of dialogue. As he said, since the beginning, it has always been a dialogue between Europe and Africa in various forms: slavery, colonisation and neo-colonisation. Even though I have no problem with the structures that have been suggested for promoting dialogue, the essential issue today is the content of that dialogue. Because you can have the most fantastic structures for dialogue but if the context and the basis of that dialogue is misplaced you will never get anywhere. I think that this is an issue that one has to address. For me, as an African, I am very sceptical as to the genuineness of that dialogue in view of what is happening. Certainly the gap between the rich and the poor countries is not decreasing, it is increasing. How will dialogue address issues like

this? During the World Summit on Racism, the issue of reparation was raised. Again, dialogue did not seem to have any effect. The European countries took a very negative approach to the issue of reparation which is actually very important because it is really about addressing what has happened.

From where I sit, the dialogue has till now been of a patronising nature, giving aid to poor Africans, making sure that they have some grip or foothold in globalisation. We have to address some real issues like the one related to the negative impact of transnational corporations, because even though these bodies tend to be much more powerful than states, they are still accountable to some states in one way or another. They are not really agents of their own; there is a degree of control, especially by parliamentarians from Europe. The issue of subsidies is another one. I know the meeting held this year in France by Chirac did address this issue. But again it also questioned the context of that dialogue. We can have a dialogue among ourselves for a better world for all, but we also have to address these issues that no one really wants to discuss. Being half Basutu also, I know that the first time we got in touch with the Europeans, we called them to come and Christianise us. Then came the Afrikaners. When we woke up, the land was gone. That is our experience of dialogue. Now, has that dialogue changed? Are there any signs of real change if we want to trust the context?

Chairperson of Session 3
Brendan Howlin
Ireland Member of Parliament

I think in fact you posed a very profound question at the end as well as making a contribution. I will respond, if I may, in a few sentences because I also attended the Durban Conference against Racism representing my own parliament. I have to say that I think there is an issue here of honest dialogue. There is an issue of victimisation as well. Because my own delegation in Ireland could demand reparation from Britain, for the famine that killed two million Irish people last century. There are balances in terms of a holistic appraisal of everybody's perspective. The only point I want to make is this: you can be

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suspicious of the agenda of dialogue but I think it is only by honesty in interaction that we can break down our own prejudices and our own baggage of history that is a barrier to dialogue. Ultimately the lack of dialogue is a barrier to understanding.

Gottfried Wellmer
European Network for Information and Action on Southern Africa (ENIASA)

It goes a bit in a similar direction. There is not only a widening income gap between Europe as Europe and Africa as Africa, but also within our own countries. There is a widening gap of incomes both in Europe and in African countries. So the question of whether a dialogue is possible between different classes of people with different classes of income is a very general question. However I do see the possibility that the poor in Europe or the disadvantaged in Europe can certainly talk with the disadvantaged in Africa because the upper classes are already doing it anyway. As an ordinary member of a simple NGO in Europe, I in no way represent European trans-national corporations.

The question that is very fundamental for me is, for instance, about human rights and transnational corporations: how can we bind these transnational corporations to international law, to human rights law? That has not yet been done and I think we have to be very creative if we want to get some progress here. This is a question I am very interested in.

Jos Lemmers
Executive Director of the North-South Centre

I think personally that the question put by our colleague from South Africa is an extremely important one. Far from me to say well we are just going ahead with a plan of meetings and you know we will see what the outcomes will be as long as someone subsidises it. It is no problem. No, I agree with you that the purpose of dialogue should really be at the basis of decisions on what meetings are planned. I see three levels at the moment.

First of all, a level of intra-national dialogue. In all our isolated, individual countries, some more than others, there are dialogues going on, public opinion is being mobilised. But it is very much internal to national states and sometimes reflected through some minority members of parliaments who are usually considered to be left wing rather than in the mainstream of politics. But anyway, it is intra-national.

A second level of dialogue, I see, would be intergovernmental dialogue. I would include in that dialogue the level of the European Parliament and other transnational parliamentary bodies where people discuss global affairs. But it is true that the power which is at the transnational economic level is not open to the involvement of the public. It is less and less open to the involvement of the representatives of the public. I remember from political science that, at one point, power is the ability to set the frameworks inside which decision-making can take place. In other words, keeping certain questions of the agenda in those frameworks is what real power is all about. Now I agree that there are too many meetings where we talk happily together and where we discuss issues that we consider important, but which have no consequences, which are not listened to by those who hold the real power. This, I think, is a true issue that we all should be facing across the continental borders.

Jan Van Eck
Centre for International Political Studies, University of Pretoria, South Africa

I have two points that I want to raise. Firstly, the nature of the relationship, the partnership between Africa and Europe. Over the past two years I have sensed a lot of hostility developing between partners. On the European side, I am talking about Europeans who were well meaning. By well meaning I do not mean do-gooders, I mean people who were not behaving like the old colonialists but who really wanted to help. We have a common objective of enhancing Africa. There is a feeling that they are just there to give money.

Now, the old relationship was one of master and servant. Africa was the servant and Europe was the master. And we said that we rejected such a relationship. That is not a partnership; that is slavery. From now on Africa will take the wheel. Africa will decide as a collective what is good for Africa. But we, the rest of the world, Europe in this case, want to be a partner. But we cannot, as Africans want to turn that partner into the slave that we used to be. And I think if you just expect money from Europe, that is not a partnership; then we will become beggars.

I think, firstly from a partnership point of view, we have to select who in Europe we want to be partners with. It comes back to the point that has just been discussed. There is no collective Europe and neither is there a collective Africa. So to an extent, what I am saying is let us first establish, as Africans, that we cannot offer what I call a very pure class partnership to partners in Europe. It is not in our interest and I think we will find that our potential partners who can genuinely be good partners are going to become increasingly insulted. I hear it. Maybe because I am an African with white skin they tell me. Maybe they think that I am more sensitive to white opinions than blacks, which is nonsense. But whatever the reason is, I hear all these things. I find it unhappy because the people who complain in Europe are very good Africans in their hearts. They are not do-gooders. They do not want to take it over. I think that if we become more selective, I am not saying Europeans select better or Africans select better, which I really do not like. I think that is what I just wanted to put on the table, not under the table.

Secondly, and this is more about the substance, the content of the partnership between Europe and Africa. I need to go and draw a little thing there. Then I would say the partnership, the dialogue we are looking at is not between the totality of each. I really think that we are talking about a dialogue between sections of each continent. I think this is the core of what the dialogue should be. You have referred to NGOs, to parliamentarians. I think of people who have a similar objective. We should start with that. It cannot be the whole of Europe. It cannot be the whole of Africa. There are quite a few people in Africa I would never invite to a meeting here; they would never say a word. And the same

applies to Europe. So let us say this, our core is Africa and your core is in Europe. Let it start here. At the same time, you have an intra-European dialogue as we have one in Africa, and we will try to expand the dialogue to the rest of our continent and gain more and more people, while you do the same in Europe. The core groups can increase. Of course, we would like to have the majority but let us start with what we have. Let us select our partners on both continents based on shared values. Just make a value-driven dialogue, not just a dialogue for the sake of dialogue. I think, in a way, I am summarising what has been said by the head table.

Look what is happening around the world. In the West, the old Europe and the old America, the new order is moving away from freedom, from human rights, from peaceful resolution of conflicts. But our European partners are still sticking to the basic values that we should stick to. These are the real values of human rights, representative government, democracy, good governance, freedom, etc. At the same time we, here in Africa, are the ones who are all fighting to promote them in Africa.

So while in Europe and America we have the developed world moving away from those values, we in Africa are battling to move towards those very values. We are here, and through NEPAD and the EU we are trying to take this to the rest of Africa. That is our commonality. Is not this why we are all united against Bush, against Blair? It is not a question of two individuals. It is a new colonialism, a new imperialism. I think that will not happen if we can develop a common bond that drives our dialogue. The dialogue will be a very powerful one and will be able to address all the issues. That is, I think, the core of what I wanted to say. So in a way we will have what we call an intra-continental dialogue, a European intra-continental dialogue and then inter-continental dialogue between the core dialogue partners that can grow as time goes by. These were the two thoughts I wanted to share.

James A. Msekela
Tanzania Member of Parliament

Thank you. Just a small question to Mr Gottfried. I once heard a friend of mine actually classify these NGOs. He said that there were a number of them and according to the way they were classified that is also the way they were financed. First he said that there were some pongos, privately organised NGOs, then there were longos (locally organised NGOs), then fongos (foreign organised NGOs) and then gongos (governmental organised NGOs).

Actually if you look at this it sounds like a joke, but it is more like the truth. Because I will tell you that a number of NGOs in some countries are actually transnational, like the case of the companies that you are talking about. Some are so strong, because of their nature that they influence the political processes in their own countries and countries like ours that are vulnerable. Sometimes, the fongos in particular are actually dangerous. Now, first of all, I would like to know your view of this classification. But then, where do we belong if we cannot agree on this?

Gottfried Wellmer
European Network for Information and Action on Southern Africa (ENIASA)

I am not quite sure whether I actually fit into your labels. I have always called myself an internationalist, though I do not know what that means in our time now. But I am certainly not paid or selected by my government or by any other foreign power outside myself. It is my own personal decision and interest to engage in international solidarity work. It is a question of value and belief in the right to freedom for yourself and everybody. So how do you go about it? You organise yourself somehow and try to support these calls for freedom and these struggles for freedom. That is our history as an anti-apartheid movement, which supported liberation struggles in the former Portuguese colonies, in Zimbabwe, in Namibia and in South Africa.

Alberto Francisco Tunga
Secretary General, Platform of NGOs, Angola

Yesterday I was saying that we were divided at the Berlin Conference in February 1888. But what we have to understand is that you, the new generation from Europe, were not at the Berlin Conference. We, surviving Africans, were not at that Conference. So we are all innocent and we need to build a new mentality based on shared values. So Europe has to change its popular education. I am a choral singer and I have visited Europe on several occasions. I have been to Paris once or twice to sing and I realise that, sometimes, Europeans are surprised to know that we come from Africa, from Angola, because the only African images that their televisions show are of refugees, darkness, hunger, dying people or war. For them that is all that we are. Nothing is shown about the many interesting values from Africa.

When I was a student I studied Europe. During my primary and secondary school I was taught that Portugal was the most beautiful country in the world and the Portuguese language the most beautiful language. When I went there I found that it was not true. But many of our people still believe that. So how can we start a dialogue if we cannot start changing our cultures?

Professor Obeng has also said that our economies are weak. I do not think so, professor. Everyone knows that Botswana, Angola and South Africa are the best in terms of mineral resources like diamonds. Maybe the management is wrong. But why do we accept being tagged as economically weak? So when we want to talk about dialogue or partnership, we have first to identify where we are strong.

I was recently reading a book written by an American. This author said that – maybe our parliamentarian from Austria knows the book – King Leopold II founded Congo. Everybody is using cellular phones today but people can still write these kinds of things. This conference is not a decision-making conference, but it is important to stand up and say that there is a need to create new tools for mutual knowledge for European or African classes.

Fred Ahwireng-Obeng
Wits Business School, Afrika Institut, South Africa

Tunga, I did not try to go back or trace African History. If you remember, I emphasised that at the time of independence, with our potential, our economies were doing very well. Our exports were strong; our GDP growth rate was very strong indeed. So that is one thing you must remember. The trend of my argument is that the World Bank and the IMF have contributed to the present state of the African economy. We should not be blamed for that and therefore we should not be condemned for that. For that reason, Afro-pessimism is unjustified. That is the main trend of my argument. So if they have contributed to our present weakness and we have marshalled our resources and decided to look for the way forward, however imperfect the new mechanism is in the form of NEPAD, we must try to perfect and fine-tune it because there is hope for the future. Thank you.

Inge Jäger
Parliament of Austria, AWEPA

When I was a teacher, I always said that Africa was so poor because it was so rich in natural and human resources. The Europeans are the robbers here. I think we are at a turning point and I agree with all that has been said this afternoon. I would like to say to Professor Obeng that, in Europe, we have to change the image of Africa in the minds of the European people. Some show us pictures of hungry children and very poor people, so that we can give 10 euros and Africa is looked after. Many NGOs and organisations are operating like that. I totally believe that we have to change this and present the diversity and richness of the African culture. Let me give you one example: in our parliament, we have friendship groups with France, Spain, etc. But we have only one friendship group with Africa.

This question of image is very important, even economically. One speaker has asked why African economies have not increased like Korea or Malaysia. How can we change this trend, because it is a real disgrace that Africa has only 1.7% of world trade? When we are trying

to answer this question, we have to keep in mind that international capital has been invested in Malaysia and in Korea but not in Africa. So if we want private investors to come to Africa, we need the help of journalists and television in Europe to give another picture of Africa, which is not hopeless.

Fred Ahwireng-Obeng
Wits Business School, Afrika Institut, South Africa

I think this brings us back to the question I asked at the beginning of my presentation. What are the implications of this pessimism that we have established, which is not objective enough? Now how can you talk with somebody who is not objective about you? That alone means that we are not at the same level, and the dialogue will be unequal. Will anyone want to respond to us?

Chairperson of Session 3
Brendan Howlin
Ireland Member of Parliament

I do not want to sound depressed or be depressing, but I think things are actually worse than they seem. Because of worsening economic conditions in Europe, I think people are disengaging. Certainly conservative forces are stronger in Europe than they have been for a very long time. Conservative forces are changing mainstream policies. If you look at the Netherlands, they were frightened by the rise of the far right and mainstream political parties are now adopting right-wing policies, for instance on issues like immigration. There is a beginning to a European view on immigration, which is quite right wing and is now bringing us back to a fortress Europe.

If you ally the process that has been happening in the last few years with the election of George W. Bush in America, where he has surrounded himself by people who have already published a very clear world strategy that is a new form of American imperialism – without any bones about it there is no hiding it – they believe that the world's greatest economic power has not been getting the clout that it deserves

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for that economic strength and they are going to enforce it. The prospects are not good. Therefore, progressive forces within Africa and progressive forces within Europe and progressive forces within America need to connect to each other. The optimistic outlook is this and it goes along with what Gottfried said earlier, that there are different forms of connection now. They were not formal structures that brought one and half million people out into the streets in London against war. That happened because of Internet contact, because of informal contact. You do not need the formal structures that we used to have to create political action, and to create political movement. I think what we are engaged on here is absolutely essential. If we do not have this connection, we will not be frozen at this point, we will actually be regressing. I think that is what is emerging from contributions made. As I said, I am not saying this to be pessimistic because I am a natural optimist and I think that the balance of view in the world is progressive and good and does always manifest itself, but we need to ensure that it is given every opportunity to manifest itself. People by and at large are good. It is the encouragement and the leadership to adopt policies that reflect that.

James Mackie
European Centre for Development Policy Management (ECDPM)

I just want to mention a number of things that have been said on this question of dialogue. I also found Jan Van Eck's diagram quite useful, but I think it also needs to relate to the fact that dialogue occurs in terms of individual organisations, the state, etc. But it always comes back to this basic ingredient, that people talk better once they know each other and once a certain trust has been built up. We were discussing that yesterday. It assumes that you have an ongoing process. That you do not just do it once and then it is finished. You have to have regularity in the movement. I think it is also incumbent upon us to create these moments for the dialogue to keep going. To push our states as individuals or citizens and as civil society organisations, whatever we work for, to go on creating those moments when they talk and to build up the trust between them. I think, in this sense, that we are at a

stage with the EU official dialogue to call it that. Institutions are changing so they no longer know and trust each other. That has to be remedied quite fast. In the AU dialogue since Cairo, they have not trusted each other and they've had a very intermittent process, which hasn't been regular. If you think of two individuals, they have just not talked enough to each other. There has to be a remedy. We have to get that official dialogue back on the road. I think that it is pretty important. I would put that on the list of points that should come out of this discussion. That we should be saying, "OK, Lisbon was cancelled for whatever reasons, let us not go into that. But what is going to happen next?" I mean please tell us, you African officials, what will the next solutions be?

My last point is that for Europeans in that little sliver at the bottom of your top box over the Mediterranean there, if we are going to push our official structures to dialogue, we need on the other side of the Mediterranean an official structure that is solid and we know has African popular backing and is strong and able to relate to our official structure. So as a European with an interest in Africa, I am very interested in a strong AU because then I can push my official structures and say, "That is the body you have to talk with, that is the credible body which is important". It avoids some of the doubts we all have about NEPAD which does not seem to have that support. But if it is put into AU, then AU has that political mandate, it has the accountability structures, and the structures for popular influence and so on. And we, to the North of the Mediterranean, can be confident in recommending to our EU structures, that the AU is the body you must deal with.

Mkangeli Matomela
Speaker of the Eastern Cape Legislature

Chair, my only worry is that we seem to be pointing fingers to say we are beggars as African people. I just wonder why, in fact, we are beggars. We do not do what you said; we do not have the intra-dialogue among ourselves so that we can develop a concrete plan for turning things around in Africa. We are waiting for Europe, for example, to say, "You must have democracy before we support you, you must say

this and this and that". Why do we not do that ourselves as African people? Why do we not say this to our leaders, as African people? I mean we have weaknesses. You know the stories of the looting of Africa by African leaders with private companies in Europe. I was told by one gentleman, and I am still waiting for the book, that it is true that most of the civil wars in Africa are caused by a private rich person from outside. So there is a looting of our resources. But there has been looting for decades and nobody is likely to stop it. There are other resources they do not even know exist in the continent. So we do not need to worry about what has been taken away, what we need to do is to plan how we are going to utilise the existing and unknown resources that are here in Africa. We do not have that plan. Maybe NEPAD is beginning to address that. That is the challenge for the African people.

But we need to sit down as African people and come up with a plan so our genuine friends can come and support that plan, because it will be our plan. That is the reason why I asked Professor Obeng who the driver was. He did not understand who the driver of this protocol thing was. Our colleague from Zimbabwe told me at the secretariat.

I think it is our responsibility in parliament to make sure that the PAP is something that is going to work and make these executive leaders accountable to the people of Africa. Because, as we are talking, they are not! Therefore, let us sit together and let the people help us to come together and work out a plan with clear objectives, timeframes and agenda. I think that is the challenge that we are facing.

The issue of the German people lastly. I do not understand. Maybe we need to end it because, in the Eastern Cape, for example, we have a good relationship with the Germans in terms of the companies that are there, Volkswagen, Mercedes-Benz, and so on, and so on. They are positive. In fact, I know, Mercedes-Benz was supposed to have its headquarters in America when it was merging with Chrysler, but it decided to remain in South Africa. We have given a licence in the Eastern Cape to produce for the Europe market as of this year. To me, it shows confidence in Africa. So I do not understand this pessimism, but I have got your paper here and I am going to discuss it with the

Germans in the Eastern Cape to check what is behind it all, so that they will encourage other people to come and invest in our part of the country. We need to promote our local investments, because we do not have resources. But maybe the problem is management. Maybe we are allowing people to mess with us and we are becoming our own worst enemies.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

From 18 to 20 March 2003, members of parliaments and civil society organisations from Africa and Europe held a Forum in Cape Town. This Forum provided the participants with a platform to share experiences and perspectives, exchange views and deliberate on the debate on the Pan-African Parliament, the African Union (AU) and the New Partnership for Africa's Development (NEPAD) in the light of the Europe-Africa dialogue.

The objectives of the Forum were:

- To open the Europe-Africa dialogue to civil society and to parliamentarians;

- To explore the role and responsibility of parliamentarians in realising the goals of NEPAD and African Union.

The Forum was addressed by the speaker of South Africa Parliament, Dr Frene Ginwala, and the president of the Parliamentary Assembly of the Council of Europe, Mr Peter Schieder.

What follows is a summary of the substantive debates that emerged from the two days of deliberation and consultation.

General overview

1. The participants welcomed the creation of the AU as a landmark in the process of shared aspirations for African unity.

2. The participants acknowledged NEPAD as an African initiated and driven framework for interaction with the rest of the world with the long-term vision of eradicating poverty.

3. These two initiatives are clear signs that Africans want to be the architects of their own efforts and destiny. However, the participants

raised some critical concerns about the NEPAD initiative around its proposed principles and strategies, process and outcomes.

4. Questions were raised as to whether Africans have learnt the lessons necessary to make NEPAD a success, given the past experiences of Africa's development efforts, including the Lagos Plan of Action of 1980, the IMF-World Bank imposed Structural Adjustment Programmes (SAPs) of the eighties and nineties, and the African Alternative to SAPs of 1989. The SAPs, especially, appear not to have reversed Africa's underdevelopment.

5. The Forum also raised questions on NEPAD strategies for resource mobilisation based on foreign capital flows and market access at the expense of domestic resource mobilisation.

6. The participants expressed concerns about the up-down approach employed in the formulation of NEPAD. Although NEPAD documents recognise the notion of citizens' participation, people's ownership needs to be promoted more vigorously. The objectives of NEPAD cannot be effectively realised without real popular ownership and full involvement of civil society and of Parliaments.

7. The participants welcomed the creation of the Pan-African Parliament (PAP). The Pan-African Parliament will give concrete expression to the vision of a united, integrated Africa.

8. The participants deliberated extensively on the steps that must be taken to ensure a strong, effective role for parliaments in advancing the objectives of the African Union and those elaborated in the Pan-African Parliament (PAP) Protocol.

9. The participants noted that some countries did not have properly elected and constituted national legislatures, but were instead ruled via one-party systems or military regimes. This reality is contradictory to the PAP Protocol and AU Constitutive Act.

10. Concerns about the PAP at the beginning having little or no legislative power binding on national governments were expressed by the participants.

11. The participants noted that the experience of the Council of Europe Parliamentary Assembly could be a source of inspiration for strengthening the Pan-African Parliament.

RECOMMENDATIONS

12. Africans at all levels need to know more about the NEPAD and AU process. The participants call the African leaders to draw up an outreach program to popularise the AU and NEPAD and build effective mechanisms for ensuring the involvement and active participation of parliaments and civil society organisations (religious organisations, labour organisations and other bodies with roots in the communities) in these processes.

13. A task group including parliamentarians, civil society and academics should be established to disseminate information on NEPAD and African Union, to brief parliaments on AU and NEPAD matters, and to organise periodic conferences for members of parliament to enable them to upgrade their knowledge on NEPAD and AU developments. The AU and the NEPAD documents should be made available to all parliamentarians to enable them to hold informed debates on these two processes. Funding should be made available for the above objective.

14. The participants call for further reflection on the relationship between African Parliamentarians, civil society leaders, intellectuals and policy-makers. Consequently, the participants call for the creation of an Africa Forum at local and continental levels and a task group to create a debate between the parliamentarians and the African political leadership over the NEPAD agenda and the AU. The Africa Forum will be a mechanism to bridge the gap between the state and civil society, aimed at facilitating dialogue on a regular basis.

15. The participants call the heads of state and government to accelerate the ratification of the Pan-African Parliament Protocol and ensure its implementation in accordance with the relevant national constitutions.

16. The participants agree that the NEPAD and AU objectives can only be reached in a peaceful, democratic environment. Therefore there is a need to intensify efforts towards peace, stability, transparency, participation, good governance and human rights. The participants call for support for peace initiatives.

17. The participants note that conflicts are fuelled by poverty, the struggle for the control of resources and the lack of respect for human rights. The participants condemn all violations of human rights and reaffirm the need to incorporate human rights in peace negotiations; peacekeeping operations, agreements implementations and in post-conflict judiciary institution building processes and law enforcement.

18. The participants reaffirm the need to establish as a principle the indivisibility of all human rights, including social, economic and cultural rights. Moreover, human dignity and health issues require more attention, since the HIV/Aids pandemic, malaria and other infectious diseases are exacerbated by conflict and poverty.

19. AU and NEPAD documents reaffirm unambiguously Africa's determination to pursue democratic governance and human rights with greater commitment. However, the challenge lies in translating the written texts into real action. The participants recognise the important role of national human rights institutions in preventing or resolving conflicts. More, however, needs to be done to make these institutions more independent and effective. Efforts to establish a common regional secretariat for these institutions should be supported.

20. The participants recall that the right to gender equality is a fundamental human right. All governments and states should ensure the inclusion of women's rights and the gender principle in the AU and NEPAD. Affirmative action should be integrated in both processes.

21. Whilst the African Union and NEPAD are initiatives and the product of Africans, the involvement of other regions such as Europe is crucial for the success of these initiatives. Therefore participants salute the Europe-Africa dialogue launched by the heads of state in Cairo.

22. The participants note that some progress and positive discussions on principles have been made in some areas such as the return of cultural goods, human rights and democracy. On prevention, management and resolution of conflicts agreement has been substantial. On other key issues like HIV/Aids and pandemics, regional integration and trade, environment and food security discussions continue. On Africa's external debt the lack of progress is clear. To be fruitful, this dialogue must address all the major issues related to Europe-Africa cooperation such as debt cancellation, the democratisation of decision-making in the international financial institutions, the negative impact of the transnational corporations, and the issue of agricultural subsidies.

23. The Europe-Africa dialogue must pursue the creation of partnerships and concrete programs in the areas and sectors of consolidation of democracy and good governance, the rule of law, human rights, poverty eradication and peace and security.

24. To be successful, this dialogue must be taken forward in a way that is fully complementary to the AU and NEPAD processes by providing NEPAD and AU political and diplomatic support, and ensuring financial support for the development of NEPAD and AU.

25. The participants reaffirm the importance of opening the Europe-Africa dialogue to civil society and parliamentarians. Parliamentarians and civil society organisations should establish transparent mechanisms for monitoring, evaluation and accountability of the Europe-Africa dialogue and cooperation. Cooperation at parliamentary level has to be consolidated. The participants call for the reinforcement of the cooperation between the Pan-African Parliament and the Parliamentary Assembly of the Council of Europe.

26. The participants call upon the organisers to convene a regular annual meeting of this nature to consider other issues related to civil society participation in organs of the AU such as the PAP, the Economic, Social and Cultural Council (ECOSOCC), Court of Justice and the African Commission on Human and Peoples' Rights.

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The opinions expressed and arguments employed in the texts of this report are the sole responsibility of the authors.

North-South Centre

European Centre for Global Interdependence and Solidarity

EUROPE AFRICA DIALOGUE

Promoting regional dialogue on human rights is one of the North-South Centre's key missions. It was within this framework that the Centre organised, in partnership with the AWEPA and the SADC Parliamentary Forum, an Europe-Africa Forum for regional dialogue on «Human rights, democratic governance and the African Union: the role of parliamentarians» in Cape Town, South Africa, from 18 to 20 March 2003.

The goal of that meeting was to provide an open, pluralistic space for dialogue where representatives of Parliaments, local authorities, governments and civil society at large from the two continents could exchange views and elaborate proposals on how to reinforce the role of the Parliaments and parliamentarians in the dialogue between Africa and Europe as well as on the building process of the African Union and NEPAD.

This publication, which includes keynote addresses, reflection papers and plenary discussions, wishes to offer a global view on the issues which were debated and on a number of proposals which arose in the course of the different sessions of the forum. It should give an idea on the views and concerns of parliamentarians and civil society leaders committed to the promotion of human rights and democratic values in the African union building process.