FOLLOWING IN EUROPE'S FOOTSTEPS?

THE AFRICAN UNION AND INTEGRATION IN AFRICA

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INTRODUCTION

The African Union, which came into existence in 2002, seems in
some ways to be a copy of the European Union. First of all,
there is the obvious use of "Union" in the name. Secondly, the
institutions of the African Union parallel those of the European
Union. Specifically, the African Union has a Pan-African
Parliament, an executive African Commission, an African Court of
Justice, an Executive Council (to match the European Union's
Council of Ministers), and — at the apex — the Assembly of the

African Union, grouping its political leaders and meeting at summits (as per the European Council). Third and finally, the future plans of the African Union include other parallels, in particular an African Central Bank.

Yet the African Union as an historical-political expression differs in three key ways from the European Union: it united almost all of (independent) Africa from its roots in the Organization of African Unity, it has a clear, geographical sense of where is Africa, and it lacks democratic cohesion, the occasional suspension of a member notwithstanding. These three points will be outlined briefly in turn, in each case contrasting them with the European Union. The result is that each entity has "existential" challenges, just differing ones — ultimately greater for the African Union.

COMPARATIVE ORIGINS

The key founding organization of African integration was the Organization of African Unity (OAU), founded in 1963. Being a loose organization without any effective political structures, and one without any specific economic focus, one could say that there seemed no reason for African countries *not* to join. Indeed, no less than 33 countries founded the OAU. The main "non-founder" and indeed "non-joiner" was South Africa, whose white rulers did not see themselves as African, at least in a cultural sense. South Africa would join upon its democratization and shift to majority rule in 1994. Some 20 or so other countries would join the OAU upon gaining their respective independence. One can also note here the admission

of non-independent Western Sahara in 1982, an event which caused Morocco (which claims the Western Sahara) to withdraw in 1984. The membership of the OAU simply transferred over to the African Union when the latter was formed at the start of this decade. The bottom line here, though, is that most African Union members were there at the start (in 1963), did not have to apply for membership, and did not have to meet any criterion beyond being African. Moreover, further expansion of the African Union is unlikely, unless Morocco wishes to return, or a new sovereign country appears in Africa (Somaliland, or one of the few remaining and tiny British or French colonies). That said, acceptance is relatively easy in the sense that it only requires the approval of a simple majority of current members.

In contrast, the European Union traces its roots back to the European Coal and Steel Community of 1952, and the European Economic and Atomic Energy Communities of 1958. These communities, especially that of coal and steel, required a giving up of sectoral sovereignty. This limited their appeal to the initial six founding members. Moreover, competition from the confederal European Free Trade Association meant that the European Community was not the only game in town. Expansion thus did not begin until the 1970s, with most members of the current European Union thus having undergone a formal application. Of course, expansion could have come earlier if de Gaulle had not vetoed Britain's entry, but what this also established is the requirement of unanimity to accept new members — something later formalized (Treaty of European Union, Article 49). With the ending of the cold war and the possibility of many new post-communist members applying, the European Union was faced with — and, in 2004, underwent — an

expansion in both absolute numbers and percentage terms that never occurred in the African Union. This caused it to give some specific thought about the requirements for membership. It also broadened greatly the debate about the boundaries of Europe. On the former point, specific criteria were indeed agreed to at the 1993 Copenhagen European Council — these being a stable democracy with the rule of law, human rights, and protection of minorities (in other words, a liberal rather than just a basic electoral democracy); a functioning market economy; and the economic and administrative ability to adopt the *acquis communautaire* of the EU and adhere to the goals of further union, including monetary union. On the latter point (the boundaries of Europe), however, nothing specific has been written down. Presumably the rejection of Morocco's 1987 application on the grounds that it is not European has drawn a line between Europe and Africa, or at least set a precedent in terms of Africa. That said, it should be stressed that it is the Commission and the Council that determine "Europeanness" and, especially for the Council, this is a political as much as a geographical assessment.

GEOGRAPHY AS CLARITY OR CONFUSION

The African Union is open to any African state (Constitutive Act of the African Union, Article 29). Likewise, the European Community was open to any European country (Treaty of Rome, Article 237), and nowadays the European Union is open to any European state which respects various democratic principles (Treaty of European Union, Article 49). That said, the African

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Union has obviously taken a clear and geographic definition of Africa as being the African continent, bounded as it is by the Mediterranean Sea, the Red Sea, the Indian Ocean, and the Atlantic Ocean, but including islands off the coast in the two aforementioned oceans. The only African, and African Union, country that has a land border with a non-African country is Egypt, which has a border of 277 kilometres with Israel (including the Gaza strip) — far less than its borders with Libya and Sudan. Thus although Egypt may politically be part of (also in) the Middle East, geographically it is clearly African.

In contrast, the European Union is (at least at times) divided over what is meant by (where is) Europe. Geographically, of course, Europe is not strictly speaking a continent but rather the western end of the Eurasian continent. It does have geographic clarity due to water boundaries on its north, west, and south, but the eastern and southeastern geographic borders are less clear. Generally the Ural Mountains, the Caspian Sea, the Caucasus Mountains, the Black Sea, the Bosporus / Dardanelles, and the Aegean Sea are used as geographic references. That said, such features divide both Russia and Turkey, and likewise the Caucasus Mountains are straddled by the three Transcaucasus countries.[1] Nor it is all clear how Cyprus is geographically European (especially if Turkey is not).

That said, for much of the postwar era geography was not the central definitional criterion of Europe for European

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[1]

John McCormick, *Understanding the European Union: A Concise Introduction*, third edition (Basingstoke: Palgrave Macmillan, 2005), p. 37.

integration. Instead, it was more geopolitics, that is, the cold war division of Europe which effectively limited it to Western Europe (this side of the Iron Curtain).[2] The cold war division has now been modified into the notion of the European Union as a grouping of democracies (see the next section), but that is a much less clear geographic line. Based on the spread of democracy, then why not now Ukraine or Turkey as part of Europe? Or Israel? Or Canada as part of a North Atlantic Union?

A second key criterion of Europeanness has been a high level of socio-economic development (including industrialization). We see this now in much of the Copenhagen Criteria, but it was implicit from the start: a (then-) rural country like Ireland or Denmark without much industry was not a good fit for the European communities of the 1950s. That said, this "dividing line" of economic development was also imperfect since historically it ran through Italy rather than separating Italy from less "European" places (in many ways it still does). Conversely, to parallel the previous point, its level of development does not really define Europe, certainly not vis-à-vis North America.

Indeed, the democratic and developmental criteria agreed to at Copenhagen need to be seen as being additional to being European, rather than defining what is European. These criteria can certain exclude / delay various applicants, at least until

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[2]

William Wallace, *The Transformation of Western Europe* (London: Pinter Publishers for the Royal Institute of International Affairs, 1990), p. 11, who noted that Western Europe was part of what he called "Euramerica" in the North

the criteria are met. But they do not deal with the issue of
whether an applicant country is European to begin with. If not
geography, then perhaps culture can do this. The reality though
is that culture has been an evolving criterion. Historically
Europe in this regard meant places that had been through the
Enlightenment — thus excluding many Eastern areas yes but also
Iberia and the Balkans. Of course, by culture one often really
means religion. The Catholic nature of the original six (or at
least their leaders) is well known. So is the debate about
admitting Muslim (albeit officially secular) Turkey, although
few seem to make the same objections about Albania or Bosnia.
What is more interesting is the notion of Europe as implying
Western Christendom (be this Catholic or Protestant) as opposed
to Eastern Christendom. Certainly the Northeastern borders of
today's European Union basically follows the division between
Western Christendom and Eastern Orthodoxy, including largely
Protestant Estonia and Latvia and largely Catholic Lithuania and
Poland, and in turn excluding Orthodox Russia, Belarus, and
Ukraine. However, this division is not present in the Balkans,
at least not since Orthodox Greece joined the then-Community in
1981 and certainly not with the 2007 admission of Orthodox
Romania and Bulgaria. Europe, in terms of both the present and
the future of the European Union, cannot cleanly be defined in
terms of religion either. The reality is that the definition of
Europe is ultimately whatever the European Council wishes to use
when assessing a given application, and that for disputed areas
this definition may change over time. As a consequence, the
European Union will thus continue to lack a coherent territory

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Atlantic.

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(or ultimate territory), something which clearly helps to create/reinforce national identity — as was the case historically for the United States and also Canada.

POLITICAL COHESION

Yet even though the potential boundaries of the European Union remain contested since the definition of Europe is contested, the political criteria for membership gives the members a clear sense of cohesion. Table 1 gives the calendar year 2006 scores from Freedom House for the 27 current European Union members. (Freedom House scores both political rights and civil liberties on a 1 to 7 scale with 1 being the most free and 7 the least free.) As can be seen, there is also no variation here in terms of the EU members' scores. Moreover, all members are electoral democracies; indeed depending on one's cut-off either all or almost all are liberal democracies with full civil liberties. This fits in with Schimmelfennig's analysis that being a liberal democracy is the best predictor of EU (and related) expansion.[3] That said, it should be noted that even if one now considers Bulgaria and Romania to be liberal democracies, they were not

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[3]

"The more a state complied with domestic liberal norms, the more likely it was to establish institutionalized relations with and to apply for membership in the EU, NATO and the CoE [Council of Europe], to join these organizations, and to remain a member in good standing." Frank Schimmelfennig, "Liberal community and enlargement: An event history analysis", ch. 8 in Schimmelfennig and Ulrich Sedelmeier, *The Politics of European Union Enlargement: Theoretical Approaches* (London and New York:

when their application was approved (hence the continued
pronounced Commission oversight of them through this day).

TABLE 1 — 2006 Freedom House Scores for European Union Members

member	political rights	civil liberties	electoral democracy?
Austria	1	1	yes
Belgium	1	1	yes
Bulgaria	1	2	yes
Cyprus	1	1	yes
Czech Republic	1	1	yes
Denmark	1	1	yes
Estonia	1	1	yes
Finland	1	1	yes
France	1	1	yes
Germany	1	1	yes
Greece	1	2	yes
Hungary	1	1	yes
Ireland	1	1	yes
Italy	1	1	yes
Latvia	1	1	yes
Lithuania	1	1	yes
Luxembourg	1	1	yes
Malta	1	1	yes
Netherlands	1	1	yes
Poland	1	1	yes
Portugal	1	1	yes
Romania	2	2	yes
Slovakia	1	1	yes
Slovenia	1	1	yes

Routledge, 2005), p. 194.

Spain	1	1	yes
Sweden	1	1	yes
United Kingdom	1	1	yes
mean	1.04	1.11	
standard deviation	0.19	0.32	

In contrast, Africa is nowadays a continent of great variation in democratization — more so than 20 years ago when there were very few ongoing democracies (just Botswana, Gambia, and Mauritius) and thus relatively little variation in democratization. As Table 2 shows African Union members range from strong democracies (of these the most important is South Africa) through basic democracies like Kenya and then autocracies with some freedoms like Nigeria to closed autocracies with no or effectively no freedoms. Indeed, no less than nine African Union members have Freedom House's lowest score possible (that of 7) on political rights. Only 24 members are even electoral democracies (as of the end of 2006); 29 are not. Barring any further spread of democratization which seems unlikely, these variations in democratization — or more specifically the large number of autocracies which are members — will prevent any serious political union in Africa.

TABLE 2 — 2006 Freedom House Scores for African Union Members

member	political rights	civil liberties	electoral democracy?

Algeria	6	5	no
Angola	6	5	no
Benin	2	2	yes
Botswana	2	2	yes
Burkina Faso	5	3	no
Burundi	4	5	yes
Cameroon	6	6	no
Cape Verde	1	1	yes
Central African Republic	5	4	yes
Chad	6	6	no
Comoros	3	4	yes
Congo, R (Brazzaville)	6	5	no
Congo, DR (Kinshasa)	5	6	no
Côte d'Ivoire	7	6	no
Djibouti	5	5	no
Egypt	6	5	no
Equatorial Guinea	7	6	no
Eritrea	7	6	no
Ethiopia	5	5	no
Gabon	6	4	no
Gambia	5	4	no
Ghana	1	2	yes
Guinea	6	5	no
Guinea-Bissau	4	4	yes
Kenya	3	3	yes
Lesotho	2	3	yes
Liberia	3	4	yes
Libya	7	7	no
Madagascar	4	3	yes
Malawi	4	3	yes
Mali	2	2	yes
Mauritania	5	4	no
Mauritius	1	2	yes
Mozambique	3	4	yes
Namibia	2	2	yes
Niger	3	3	yes

Nigeria	4	4	no
Rwanda	6	5	no
São Tomé and Príncipe	2	2	yes
Senegal	2	3	yes
Seychelles	3	3	yes
Sierra Leone	4	3	yes
Somalia	7	7	no
South Africa	2	2	yes
Sudan	7	7	no
Swaziland	7	5	no
Tanzania	4	3	no
Togo	6	5	no
Tunisia	6	5	no
Uganda	5	4	no
Western Sahara	7	6	no
Zambia	3	4	yes
Zimbabwe	7	6	no
mean	4.47	4.15	
standard deviation	1.90	1.52	

In fact, amongst the principles of the African Union as outlined it its Constitutive Act are "Respect for democratic principles, human rights, the rule of law, and good governance" (Article 4m) and "Condemnation and rejection of unconstitutional changes of governments" (Article 4p). However, the first principle noted is not ever fleshed out with any specifics. The second principle noted is though. The key Article (30) here of the Constitutive Act of the African Union states that "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union." This Article was certainly applied to Mauritania

after its 2005 coup. Nevertheless, it is generally a weak statement for multiple reasons. First of all, the meaning of unconstitutional is not spelled out. Consequently, as Heyns, Baimu, and Killander ask about this Article, "does gaining or retaining power through a massively rigged election constitute an unconstitutional usurpation of power?"[4] (One can think of Nigeria as the most recent major example of this.) Second, a government can be constitutional without being democratic, such as the absolute monarchy of Swaziland. Third, the reference is merely to governments that come to power (in the present) not those that have been in power since the formation of the Union — such as the sultanistic regime of Qadhafi in Libya or the various military (or military-backed) regimes of the continent. Fourth and finally, no mention is made of (maintaining) civil liberties, so the bar here is obviously less than the liberal democracy required by the European Union. Certainly these factors would be taken more seriously if Article 4m on democracy was made more of a condition for (continued) membership — but as just noted this would exclude most current members!

CONCLUSIONS

Both the European Union and the African Union have what might be called existential challenges. Yet of these that gripping the

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    Christof Heyns, Evarist Baimu, and Magnus Killander, "The African Union", *German Yearbook of International Law / Jahrbuch für internationales Recht*, Volume 47 (2004), p. 273.

African Union is much more serious. Although it may not be the
"dictator's club" that was the OAU, nor is it in any sense a
democratic grouping like the European Union. Indeed, in terms
of level of democracy the African Union today contains a full
range of regime types. This makes any comprehensive transfer of
power to African Union institutions, and ultimately the
effective working of such institutions, quite unlikely.

In contrast, by its origins and requirements, the EU is a
grouping of democracies, indeed essentially liberal democracies.
This has facilitated the workings of its various institutions,
issues of a "democratic deficit" notwithstanding. Yet by being
open to all European democracies without a clear and consistent
definition of Europe the European Union is caught in ongoing
debates about where it should wind up. This will have
ramifications for various key applications, not just Turkey
today but possibly Ukraine down the road. Of course, if Turkey
returns to military rule and if Ukraine returns to autocracy (as
it was under Kuchma), then the question of how European each is
becomes moot. Failing this, a strict requirement of "up front"
liberal (as opposed to merely electoral) democracy for EU
membership would exclude Turkey and also likely limit further
eastern expansion, as there are no liberal democracies in the
non-Baltic former Soviet Union, and little prospect of these
without foreign (EU) assistance.