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Abstract

Some six decades ago, Ghana's Kwame Nkrumah led the struggle for the 'total liberation of the African continent' and echoed the idea of a United States of Africa. He formed the Union of African States in 1958 until the establishment of the Organisation of African Unity (OAU) in 1963 – one apparatus through which Nkrumah hoped to bring his Pan-African dream alive. However, his idea of a continental state mainly focused on Africa's political liberation; he did not anticipate the magnitude of the unique dynamics that would prevent the continent from attaining that noble objective more than fifty years after. This fallout led to the establishment of the Africa Union (AU), a successor to the OAU in 2000, to surpass the pushbacks of the OAU's mandate. The AU's mandate is to fast-track Africa's political and economic integration. To this end, the AU has developed a fifty year plan – Agenda 2063 – through which it aspires to attain its Pan-African vision of a transnational democratic state by 2063. This chapter therefore analyses the viability of a transnational democratic state in Africa by 2063 and how to avoid the same resentment that befell Nkrumah's Pan-African agenda. It conceptualises transnational democracy in Africa within the context of Agenda 2063, African instruments (on democracy, elections, governance, human rights, peace and security), and the contemporary challenges confronting African statehood. Finally, it articulates a practicable marshalling and more realistic paradigm for attaining the AU's lofty aspirations of a transnational democracy by 2063.

If the idea of transnational democracy cannot be so easily dismissed then the prospects for its realization must be addressed.

- Tony McGrew

1 Introduction

In this era of globalisation, state autonomy has lost its sanctity to the tensions between democracy as a territorially delineated concept and economic interdependence.¹ The expanding frontiers of transnational alliances against the previously sacrosanct expression of state sovereignty have significantly placed the administration of democratic governance beyond national control.² The emergence of various international actors like political intergovernmental authorities, international financial institutions, multinational corporations and international non-governmental organisations suggests, perhaps, a shaping of a new global order. Schaffer claims that since globalisation has distorted the once established relationship between political authority and socio-economic and cultural borders, 'we need to build new democratic institutions beyond or above the state.'³ The idea of 'transnational democracy' has, thus, evolved as a relatively new term to describe democratic governance on a regional or global scale and away from the national socio-political sphere.⁴

The concept of transnational democracy captures the phenomenon of democratic governance beyond national borders. It is a nuanced term in global governance lacking definitional precision. Scholastic difficulties abound with pegging democracy to several levels of political communities. When assessed from the prism of contemporary politics or economics, whether from the perspective of globalisation, regionalism, nationalism or neoliberalism, it is almost difficult to conceptualise its ramifications. Yet, its complexities have not paused the curiosity of multilevel governance scholars to attempt to delineate its scope and meaning. Several suggestions have been made. Held, a foremost proponent of the concept, aptly describes transnational democracy as 'democracy across national, regional and global networks.'⁵ Anderson defines the concept as 'a crossing of borders and a bridging of dichotomies.'⁶ To him, it is the interaction

- 1 T McGrew 'Transnational democracy: Theories and prospects' 7 <http://www.polity.co.uk/global/pdf/Global%20Democracy.pdf> (29 December 2016); Dryzek argues that '[t]he theory and practice of democracy have close historical ties to the state.' JD Dryzek 'Transnational democracy' (1999) 7 *The Journal of Political Philosophy* 30.
- 2 D Held, A McGrew *et al* (eds) *Global transformations: Politics, economics and culture* (1999) 9; R Erne *et al* (eds) 'Transnational democracy' (1995) <https://www.auburn.edu/tann/tann2/gross.html> (accessed 27 December 2016).
- 3 JK Schaffer 'The boundaries of transnational democracy: Alternatives to the all-affected principle' (2012) 38 *Review of International Studies* 329.
- 4 C Browne 'Democratic paradigms and the horizons of democratization' (2006) 6 *Contretemps* 47.
- 5 D Held *Models of democracy* (2006) 305; D Held *Models of democracy* (1996) 353; JS Dryzek 'Transnational democracy: The formal and the discursive' in EO Eriksen (ed) *How to reconstitute democracy in Europe? Proceedings from the RECON Opening Conference* (26 January 2007) ARENA Report No 8/07 RECON Report No 3 14 <http://www.sv.uio.no/arena/forskning/publikasjoner/arena-publikasjoner/rapporter/2007/807.pdf#page=72> (accessed 7 June 2017) 48.
- 6 J Anderson 'Questions of democracy, territoriality and globalisation' in J Anderson (ed) *Transnational democracy: Political spaces and border crossings* (2002) 16.

between state and non-state actors across different territorial levels. Rather than exclude, it includes and transcends 'the national'.⁷ Various forms exist. Held suggests ten models of democracy, the more prominent of which he likens to *cosmopolitan democracy*.⁸ He describes this as the complementary development of independent political resources and administrative capacity on a regional and global basis alongside those at the local and national levels.⁹ To the cosmopolitans, 'democracy can no longer stand for a national "community of fate" that autonomously governs itself.'¹⁰ Dryzek, on the contrary, believes that *cosmopolitanism* is global, implying a 'transcendence of national identities and values', which does not suitably articulate the idea of transnational democracy.¹¹

However, other scholars have questioned the idea that governance can be democratic at the transnational level. Bohman argues that the international sphere is hardly democratic because it is composed of 'surrogate publics' administered through ad-hoc consultations and self-appointed civil society organisations.¹² To him, it is a sphere characterised by the phenomenon of 'agency', where the unmonitored use of delegated sovereign authority can amplify the antidemocratic tensions within modern states by creating 'a reversal of control' between the agent and the governed – a phenomenon that erodes the original idea of democracy. Other thoughts have evolved to proffer clarity on the concept. McGrew suggests other forms of democracy beyond territorial borders – deliberative or discursive democracy, liberal-democratic internationalism, and radical democratic pluralism.¹³ McGrew hypothesises these forms of transnational democracy through political theories,¹⁴ that are not necessary to explain here because, they do not sufficiently address the unique elements and contexts that shape Africa's drive for a transnational democratic state.¹⁵

The idea of transnational democracy in an African context, as contemplated in this work, transcends the effects of globalisation on the territorial applications of democracy in African states. It envisages a single democratic order for the whole continent whereby member states are administered by one government, like a continental state of sorts, unlike

7 As above.

8 Held (n 5 above) 305; Held (n 5 above) 353.

9 As above; also see J Bohman 'Democratizing the transnational polity: The European Union and the presuppositions of democracy' in Eriksen (n 5 above) 84 (Bohman describes Held's *cosmopolitanism* as a 'well-articulated multileveled institutional structure'.)

10 EO Eriksen & JE Fossum 'Reconstituting democracy in Europe' in Eriksen (n 5 above) 14.

11 Dryzek (n 5 above) 49.

12 Bohman (n 9 above).

13 A McGrew 'Democracy beyond borders?' in D Held & A McGrew (eds) *The global transformations reader: An introduction to the globalization debate* (2000) 408; McGrew (n 1 above).

14 McGrew (as above).

15 See the respective works of McGrew & Held above.

the European Union (EU) which envisages the dominance of the existing nation-states in its working. The idea presupposes an interconnected and interdependent democratic socio-political order operating beyond national frontiers.¹⁶ It can, in short, be described as democracy across African nations. It conceives the existence of a 'hierarchical relationship' between a democratically constituted supranational political structure and its constituent member states.¹⁷ Two major sentiments drive the call for Africa's unification and transformation into a single democratic entity – *Pan-Africanism* and *African renaissance*. In the case of Pan-Africanism, the first rallying ideology was the common history of slavery, colonialism, and racial prejudices of Africans worldwide and, of course, the political, socio-economic and geographical contiguity of African states. These necessitated, as early as the nineteenth century, the call that Africans must unite to protect and actualise their common destiny.¹⁸ The second sentiment – African renaissance – evolved as a response to the demands for Africa's revival from years of poverty, disease and conflicts. This new thinking was developed to set Africa on the path of sustainable development and peace in order for Africa to play a more prominent role in world affairs. These sentiments sufficed in justification of a harmonisation of continental governance through the formation of the Organisation of African Unity (OAU) in 1963, and later the African Union (AU) in 2000.

The commemoration of the 50th anniversary of the OAU/AU on 26 May 2013 marked a quantum leap in the AU's overarching objective of continental unity, and moved it one-step closer towards actualising its long-term Pan-African dream of a transnational democratic African state. In its 50th Anniversary Solemn Declaration, AU member states emphatically reaffirmed their commitment to 'Africa's political, social and economic integration agenda' and '[a]ccelerate action on the ultimate establishment of a united and integrated Africa.'¹⁹ To take their declaration beyond words, they pledged to develop a 50-year continental programme that is people-driven and people-centred. They also promised to articulate the goals and ideals of the Solemn Declaration in their various national development plans;²⁰ thereby, reorganising the original idea of the AU in a very profound way – as not a weak regional intergovernmental

16 T Hale & D Held (eds) *Handbook of transnational governance: Institutions and innovations* (2011) 15; C/A Adebajo & K Whiteman (eds) *The EU and Africa: From Eurafrique to Afro-Europa* (2012).

17 J Hoeksma 'Concretizing transnational democracy' 14 August 2015 <https://www.peacepalacelibrary.nl/2015/08/concretizing-transnational-democracy/> (29 December 2016).

18 A Boddy-Evans 'What is Pan-Africanism? How Pan-Africanism has developed as a modern socio-political movement' 20 January 2017 <https://www.thoughtco.com/what-is-pan-africanism-44450> (accessed 7 June 2017).

19 African Union '50th Anniversary Solemn Declaration' 21st Ordinary Session of the AU Assembly of Heads of State and Government, para C http://www.un.org/en/africa/osaa/pdf/au/50anniv_declaration_2013.pdf (accessed 27 December 2016).

20 As above.

superstructure or loose association of African states, but as the basis for continental or transnational government.²¹ The pledges in the Solemn Declaration thus inspired the spontaneous preparation of the AU's Agenda 2063 (Agenda) by the AU Commission and its subsequent adoption by the AU Assembly at its 24th Ordinary Session in Addis Ababa, Ethiopia, in January 2015.²²

This chapter therefore seeks to carefully evaluate the viability of a transnational democratic state in Africa by 2063: Firstly, by looking at Africa's gradual gravitation towards continental statehood through the lens of Pan-Africanism, its historical consolidation and culmination in the OAU's formation; and secondly, by analysing the conditions that supposedly led to the campaign for Africa's renaissance through a process that is people-driven and people centred. By predicating the idea of a transnational democratic African state on these two pillars, the chapter will consider Africa's journey to continental nationhood and proffer ways to avoid the same pushbacks that befell Nkrumah's Pan-African agenda. It will also conceptualise transnational democracy in Africa within the context of Agenda 2063, African regional standards (on peace and security, democracy, elections, governance, human rights) and the contemporary challenges confronting African states. Finally, it will articulate a practicable marshalling and more realistic paradigm for attaining the AU's lofty aspirations by 2063.

2 Pan-Africanism and the OAU

Africa's gravitation towards a transnational democratic state was basically inspired by the ugly history and past experiences of its peoples with slavery, racism and colonialism. The resistance to colonial and racial oppression led early Pan-African political activists in the diaspora and subsequent anti-colonial national liberation struggles in Africa to lay the foundation for a harmonious consciousness among 'black' people about the shared challenges that Africans faced.²³ The struggles against the indignities of slavery, white supremacists' cruelty towards Africans in Europe and America, colonial domination, and the economic plundering of continental Africa kindled a political movement in the 19th and 20th centuries that placed at its core the goal of promoting the common humanity and destiny of all Africans. These historical ingredients set the stage for the early development of Pan-Africanism and gave momentum to the struggles by African peoples against racial, political and economic subjugation.

21 As above.

22 African Union 'Agenda 2063: The Africa we want' <http://archive.au.int/assets/images/agenda2063.pdf> (accessed 27 December 2016).

23 C Legum *Pan-Africanism: A short political guide* (1965) 15; M Makalani 'Pan-Africanism' <http://exhibitions.nypl.org/africanaage/essay-pan-africanism.html> (accessed 7 June 2017).

The political philosophies of prominent Pan-African figures like Edward Wilmot Blyden, Henry Sylvester-Williams, WEB Du Bois, Paul Robeson, George Padmore, Malcolm X, Martin Luther King Jr, and many others, championed the need for Africans to pursue a shared vision and destiny.²⁴ The bitter vestiges of slavery and the rise in racial discrimination in the 19th century led to the formation of the first African association in the United States (US) in 1897 and the organisation of the first Pan-African meeting, on the initiative of Sylvester-William, in London in 1900. In that meeting, African leaders drew global attention for the first time to the debilitating effects of colonialism and racism on Africans. It was also the first time the term 'Pan-Africa' was introduced in the lexicon of international relations and made part of the vocabulary of African political philosophers.²⁵ Yet, despite the electrifying speeches and high-wired resolutions adopted, nothing much was achieved and no similar convocation was organised for nearly two decades.

Du Bois subsequently revived the Pan-African movement with the support of many continental and diaspora Africans through his establishment of the first Pan-African Congress in Paris in 1919.²⁶ On top of the agenda was the poignant articulation of the total liberation of Africa and her peoples from racial, political and economic domination anywhere and everywhere. This was closely followed by a series of other Pan-African Congresses held in London and Brussels in 1921, in London and Lisbon in 1923, in New York City in 1927, in Manchester in 1945, in Dar es Salaam in 1974, in Kampala in 1994, and more recently in Accra in 2014. As the activities of the Pan-Africanists blew across the tensely segregated societies of Europe and America as well as the colonial shores of Africa, it birthed a fierce political movement that sowed a seed of civil disobedience and resistance to colonial rule.

The 1945 Manchester Congress marked a decisive moment in the history of the meeting for two reasons.²⁷ First, it witnessed, for the first time, representation of political parties from Africa and the West Indies. Second, the forum 'gave way to radical social, political, and economic

24 Encyclopedia.com 'Henry Sylvester Williams' *Encyclopedia of World Biography* <http://www.encyclopedia.com> (accessed 29 December 2016); The Biography.com 'W.E.B. Du Bois Biography' <http://www.biography.com/people/web-du-bois-9279924> (accessed 29 December 2016); History.com 'Marcus Garvey' <http://www.history.com/topics/black-history/marcus-garvey> (accessed 29 December 2016); George Padmore Institute 'Who was George Padmore' <http://www.georgepadmoreinstitute.org/Who%20We%20Are/who-was-george-padmore> (accessed 29 December 2016).

25 Blackpast.org 'The Pan-African Congresses, 1900-1945' <http://www.blackpast.org/perspectives/pan-african-congresses-1900-1945> (29 December 2016).

26 As above; SA Adejumobi 'The Pan-African Congress, 1900-1945' <http://www.blackpast.org/perspectives/pan-african-congresses-1900-1945> (accessed 29 December 2016).

27 CA Babou 'Decolonization or national liberation: Debating the end of British colonial rule in Africa' (2010) 632(1) *The Annals of the American Academy of Political and Social Science* 47.

demands. Congress participants unequivocally demanded an end to colonialism in Africa and urged colonial subjects to use strikes and boycotts to end the continent's social, economic, and political exploitation by colonial powers.²⁸ The effect was that the Pan-African philosophy profoundly resonated with the fiery resistance movements in colonial Africa, particularly British and French West Africa that it led to Ghana's independence and spurred, perhaps too early, the call for Africa's unification.

Ghana's independence from Britain on 6 March 1957 marked a significant milestone for Africa in its struggles against the clutches of colonialism. Being the first sub-Saharan African state to gain freedom from colonial rule, Ghana led the way for the total emancipation of the continent and its political unity.²⁹ At the vanguard of Ghana's Pan-African campaign was father of African nationalism, Dr Kwame Nkrumah, whose exceptionally progressive ideas, staunch grit and undying belief in Pan-Africanism inspired many national liberation movements across Africa against colonial rule.³⁰ During his Independence Day speech, Nkrumah dedicated Ghana to the pursuit of freedom for all African states, echoing that Ghana's independence was meaningless unless it was linked to Africa's complete independence from imperial domination.³¹ Unless Africans presented a united continental front, Nkrumah stressed, Africa was no match for its oppressors whose strength was belied in its disunity.³² Nkrumah predicated his Pan-African political philosophy on the freedom and unification of Africa and its islands as the most potent basis for Africa's reckoning with the rest of the world.³³ He made a case for African peoples to work tirelessly for their complete liberation and unification, and poignantly underscored that Africa's strength lies in a united policy and action for development.³⁴

Soon after independence, Nkrumah championed the call for the establishment of a continental African state. In furtherance of his idea, he organised the first ever Conference of Independent African States on 15 April 1958 and initiated steps that saw Ghana and Guinea unite as a nucleus for a proposed union of African states in November 1958.³⁵ He passionately followed up this process with extensive discussions with Guinea and Liberia in July 1959 with a view to establishing the

28 Blackpast.org (n 25 above).

29 EJ Keller 'Decolonization, independence and the failure of politics' in P Martin & P O'Meara (eds) *Africa* 3rd ed (1995) 156.

30 D Birmingham *Kwame Nkrumah: Father of African nationalism* (1998) 24; M Fleshman 'A "wind of change" that transformed the continent' in *Africa renewal* (2010) <http://www.un.org/africarenewal/magazine/august-2010/%E2%80%98wind-change%E2%80%99-transformed-continent> (accessed 30 December 2016).

31 K Nkrumah *Revolutionary path* (1973) 121.

32 As above; K Nkrumah *Towards colonial freedom* (1962) 44-45.

33 K Nkrumah *Africa must unite* (1963) xi.

34 As above, xvi.

35 Nkrumah (n 31 above) 126-127.

Community of Independent African States. Although the Community did not eventually take off, Nkrumah's unification plan was subsequently animated by the formation of the Ghana-Guinea-Mali union in April 1961, which was called, the Union of African States (UAS).³⁶ The UAS was the first concrete attempt to form a transnational African state. With the leaders of other newly independent African countries joining Nkrumah's bandwagon, several conferences were organised in furtherance of the unification agenda. From these conferences, three blocs of independent African states emerged: the Casablanca group comprising Ghana, Algeria, Egypt, Guinea, Libya, Mali, and Morocco;³⁷ the Monrovia group composed of Nigeria, Liberia, Ethiopia, Sierra Leone, Congo (Kinshasa), Somalia, Togo, and Tunisia; and the Brazzaville group made up of twelve Francophone African states – Cameroon, Congo-Brazzaville, Côte d'Ivoire, Dahomey (Benin), Gabon, Upper Volta (Burkina Faso), Madagascar, Mauritania, Niger, the Central African Republic, Senegal and Chad.

Whilst the three blocs were essentially Pan-Africanist in their objectives, sheer differences in their approach to Africa's unification quickly realigned them into two. The Casablanca group, through an incredibly radical approach, favoured the pursuit and vigorous attainment of a politically united federation as a prelude to continental economic integration. This approach, unfortunately, did not get the support of the Monrovia group led by Nigeria and Liberia which had coalesced with the Brazzaville group, and had over 20 independent states as against the Casablanca group's seven. Nkrumah acknowledged that 'there were crucial differences of opinion when it came to questions of methods and procedures.'³⁸ The Monrovia group, apparently, was not prepared to handover their hard-won sovereignty to an overarching political federation to be controlled. The group rather sought a gradualist approach to unification, and accentuated the need for economic cooperation as a stepping stone for common action. They emphasised nationalism over Pan-Africanism, autonomy over amalgamation, respect for territorial integrity, and non-interference in states' internal affairs.³⁹

Many of the gradualist states soon after independence fixated more on the promises of their newly found nationalities than on the Pan-African dream. They were not sufficiently inspired, perhaps, to see through Nkrumah's lens the possibilities and potential of what a continental government holds for Africa's future – a formidable and resourceful political superstructure, an integrated economic and socio-cultural space, a common defence arrangement, and a common foreign policy. More so, the weakness of the new African states, which were plain contraptions of

36 Nkrumah (n 33 above) 141.

37 As above, 145.

38 Nkrumah (n 31 above) 249.

39 As above, 250.

several pre-colonial African communities, coupled with the pressure to deliver the dividends of independence promises, saw them become dependent on foreign aid, form blocs along colonial lines, and enter defence pacts with former colonial masters.⁴⁰ They clung tenaciously to 'their new-found sovereignty as something more precious than the total well-being of Africa' and sought alliances with the same European states that came together to balkanise the continent for the benefit of their rapacious neo-colonialist interests.⁴¹ This lack of oneness and the conflict in political and economic objectives substantially deflated Nkrumah's fiery passion to see Africa unite.

Even though Nkrumah's aggressive diplomatic approach to Africa's unity was hardly a success, it laid the foundation for the reconciliation of political differences and the establishment of the OAU.⁴² It also helped forge and kindle the consciousness among African national liberation leaders such as Nnamdi Azikwe, Jomo Kenyatta, Julius Nyerere, Robert Sobukwe, Haile Salessie, Gamal Abd El Nasser, Patrice Lumumba, among others, that a united support for Africa's total decolonisation was both a moral imperative and a practical necessity, despite their apparent differences.⁴³ To Nkrumah, 'all African states should henceforth unite so that the welfare and well-being of their peoples can be assured.'⁴⁴

In the founding Charter of the OAU of 1963, member states resolved to reinforce links between their states by establishing and strengthening common institutions.⁴⁵ By this resolve, a continental state was envisioned to promote the unity and solidarity of member states. In keeping with this vision, they agreed to coordinate and harmonise their general policies on political and diplomatic cooperation; the economy (including transport and telecommunications); education and culture; health, sanitation and nutrition; science and technology, and defence and security.⁴⁶

The OAU was incredibly instrumental in promoting Africa's interests on the global stage. By coordinating and deploying shared political values, African states adopted common African positions and voted as a bloc on international issues affecting Africa and Africans at the United Nations (UN). The OAU presented a veritable platform for freeing the rest of Africa from the shackles of colonial domination, dismantling South Africa's Apartheid policy, and addressing the refugee crisis at the time. However, as much as its establishment was plausible in many respects, it was not exactly the kind of transnational governance apparatus Nkrumah had

40 As above; n 25 above, 145.

41 Nkrumah (n 33 above) 145.

42 O Abegunrin *Africa in global politics in the twenty-first century: A Pan-African perspective* (2009) 141.

43 Fleshman (n 30 above).

44 Charter of the OAU 1963 preamble.

45 As above.

46 Charter of the OAU 1963 art 2(1)(a) & (2).

conceptualised. It was simply a stepping stone to the ultimate – an all-Africa political federation. That it was epoch-making did not stop Nkrumah from condemning its inadequacies. To Nkrumah, the OAU Charter was merely ‘a Charter of *intent*, rather than a Charter of *positive action*’ that only provided a basic machinery for the execution of its declared goals.⁴⁷ He was not impressed that it contained no provision for an operational military arrangement that could give effect to the OAU’s objectives. He was also not pleased that it emphasised the sovereignty, territorial integrity and independence of member states over their interdependence. He said:⁴⁸

There was much talk of the inviolability of ‘sovereignty’, and ‘territorial integrity and independence’, regardless of the fact that most of our national frontiers are relics of colonialism, and irrelevant within the context of the African nation.

The discordant emphasis on the approach to continental integration and the differences it generated among African states blocked the opportunity for Africa’s early renaissance and substantially weakened the OAU’s authority and impact. Despite its objectives to coordinate and harmonise policies in six thematic areas, it was hardly successful in two. If at all there was any measure of visible success, it was in political and diplomatic cooperation and, perhaps, technical cooperation.

The OAU recorded several major setbacks despite its laudable strides. It could not prevent the failure of democratic governance in many new African states immediately after their independence, and the ensuing military coups as well as the gross human rights abuses that occurred in the 60s and 70s. Neither could it manage the wars and armed conflicts that erupted on multiples fronts and the resulting refugee problems that followed. The Sudanese Civil War (1955 to 1972), the Burundian Genocide (1972), the Nigerian Civil War (1967 to 1970), the Libyan-Egyptian War (1977), the Agacher Strip War between Mali and Burkina Faso (1974 and 1985), the Ethio-Somali War (1977 to 1978), the Uganda-Tanzania War (1978 to 1979), the Chadian-Libyan War (1978 to 1987), the Eritrean War of Independence with Ethiopia (1961 to 1991), the Rwandan Genocide 1994, are only but a few cases where the OAU had no visible impact.⁴⁹ Its sacred principle of non-interference in the internal affairs of member states and its lack of a comprehensive security and conflict prevention policy made it seem like a toothless bulldog. The OAU also failed to address the prevailing issues of poverty and disease on the continent.

47 Nkrumah (n 31 above) 249.

48 As above, 250.

49 E Hansen ‘Africa: Perspectives on peace and development’ in E McCandless & T Karbo (eds) *Peace, conflict, and development in Africa: A reader* (2011) 12.

Importantly, however, the incidents described above led to a paradigm shift in the OAU's approach to the sovereignty and territorial integrity of member states. The OAU adopted a number of important treaties, including the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa 1969 (Refugee Convention), the Cultural Charter for Africa 1976,⁵⁰ the Convention for the Elimination of Mercenarism in Africa 1977, and the African Charter on Human and Peoples' Rights 1981 (African Charter). These dealt with issues that were previously considered to be sacrosanct and within the exclusive spheres of member states. The Refugee Convention, for example, saw state parties undertake to submit reports and provide information as well as statistical data to appropriate OAU organs on the condition of refugees, the implementation of the Convention, and the legislative measures they have taken regarding refugees.⁵¹ Even at that, it had no monitoring mechanism. Similarly, the African Charter established a Commission before which issues of human rights violations within a state may be reported and allows states to complain about the human rights situation in other states. In 1999, the Democratic Republic of the Congo filed a human rights complaint against Burundi, Rwanda and Uganda alleging that the respondents had committed grave human rights violations in its rebel-held provinces through their respective armed forces.⁵²

The OAU, however, had no accomplishment of any kind on the economic front. For nearly three decades, it adopted no economic integration policy of any sort whatsoever. It turned out that none of the gradualist states that seemed favourably disposed to the idea advocated for it any longer soon after the OAU's establishment. Like Nkrumah had feared, it was all talk and no action, and certainly a major blow to his vision of an African common market.⁵³ Nkrumah's idea of an African common market was to remove the competition that existed among African states and, in its place, establish one overarching economic frontier for the benefit of all. He reckoned that if all member states pooled their individual investments into one integrated plan, it would have greater impact on shared development. '[T]he total integration of the African economy on a continental scale,' Nkrumah noted, 'is the only way in which the African states can achieve anything like the levels of the industrialised countries.'⁵⁴ He proposed that the common market should have a common currency, devoid of the influence of external currency zones. He also stressed that:⁵⁵

50 Now the Charter for African Cultural Renaissance 2006.

51 OAU Refugee Convention 1969, art 7.

52 *Congo v Burundi, Rwanda & Uganda* (2004) AHRLR 19 (ACHPR 2003).

53 Nkrumah (n 33 above) 163.

54 As above.

55 As above.

The unity of the countries of Africa is an indispensable precondition for the speediest and fullest development, not only of the totality of the continent but of the individual countries linked together in the union.

Yet, in all this, the major pushback to Nkrumah's Pan-African agenda was its non-democratisation. Whilst it was presented as people-focused, it was never people-driven. Nkrumah essentially failed to muster the support base of the very African people whose interest he claimed to pursue. The effect was that his idea was disconnected from the people on the ground, and his people resented him for his heavy investment in the Pan-African project while his constituents suffered.

It was only in 1991 that the economic integration agenda of the OAU came to light with the adoption of the Treaty Establishing the African Economic Community 1991 (AEC Treaty) in Abuja, Nigeria. The AEC, a parallel but integral intergovernmental arrangement within the OAU framework, was created to drive the process of economic integration on the continent. With the entry into force of the AEC Treaty in 1994, the OAU became known as the OAU/AEC.⁵⁶ Essentially, the Treaty was a realisation of the Lagos Plan of Action for the Economic Development of Africa and the Final Act of Lagos, which were adopted in 1980 in Lagos, Nigeria. By the commitments undertaken, both documents were intended to 'pave the way for the eventual establishment of an African Common Market leading to an African Economic Community' by the year 2000.⁵⁷ The AEC Treaty succeeded in realising that object. It contains across-the-board provisions that hinge on harmonisation of national policies in the fields of transport and communications, agriculture, trade, money and finance, energy, national resources, human resources, education, culture, and science and technology.⁵⁸ In order to achieve the Treaty's objectives, the AEC plans to adopt and establish, in stages, a common trade policy, a common external tariff and a common market in relation to third-party states, and to gradually remove, among member states, impediments to 'the free movement of people, goods, services and capital, and the right of residence and establishment.'⁵⁹

By the end of the 20th century, the journey towards a transnational African state was still far from being a foregone conclusion. If anything, it was a longwinded and staggered one, with several footnotes and intrigues along the way. To President John Kufuor, '[f]ifty years on, most of these

56 See the AU Constitutive Act art 33(1), where it provides that maybe the OAU Charter ought to remain operative 'for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union.'

57 Lagos Plan of Action 1980 preamble 3(v); also, Final Act of Lagos arts 1 & 2.

58 AEC Treaty art 4(2)(e).

59 AEC Treaty art 4(2)(f)-(i).

dreams remain largely unfulfilled.⁶⁰ Contending interests, nationalism, conflicting economic and political objectives, as well as the inability of the OAU to curb pockets of political instability and conflicts around the continent were some of the challenges that choked and continued to clog the wheels of Africa's unification. No sooner had African leaders adopted the African Charter for Popular Participation in Development and Transformation (Arusha 1990), did democratic governance and human rights observance descend to an all-time low. The decade between 1990 and 2000 witness a truncation of the re-emergence of democratic rule by military *coups d'état* in several African countries and recorded a mix of some of the most horrifying civil conflicts in African history as well as positive reconciliatory trajectories.⁶¹

Between 1990 and 1994, for example, the tensions between the Hutus and the Tutsis (invented through the Belgian and German Hamitic hypothesis of racial superiority) claimed nearly one million lives in Burundi and Rwanda due to failed diplomacy on the part of the OAU, the UN and more prominently western nations including the US.⁶² More so, the civil unrests in Angola, Ethiopia, Liberia, Sierra Leone and Sudan witnessed some of the vilest humanitarian crises in African history. Yet, that decade also saw, in the face of impending murderous horrors, the fall of the Apartheid regime, the institution of black democratic rule in South Africa, the emergence of democracy in Nigeria and other states after protracted military dictatorship, and most importantly, the transformation of the OAU/AEC into the AU. It also saw African leaders crave stronger accountability for international crimes like genocide, crimes against humanity and war crimes, and for gross human rights violations. The thirst for accountability propelled African leaders to gladly subscribe to the Rome Statute of the International Criminal Court, push for stronger human rights protection mechanisms through the establishment of an African Court on Human and Peoples' Rights in 1998, and adopt several pro-democracy declarations.⁶³ The chain reactions in that decade, in other words, were a perplexing paradox. But that was not all there was to it.

60 New Partnership for Africa's Development 'Africa's Renaissance – dream or reality? asks former president John Kufuor at the launch of the Thabo Mbeki Foundation' <http://www.nepad.org/content/africa's-renaissance—dream-or-reality-asks-former-president-john-kufuor-launch-thabo-mbeki> (accessed 15 January 2017).

61 E Birikorang 'Coups d'état in Africa – A thing of the past?' (2013) <http://www.kaipct.org/Publications/Policy-Briefs/Policy-Briefs/KAIPCT-Policy-Brief-3---Coups-detat-in-Africa.aspx> (accessed 18 January 2017).

62 M Leitenberg, 'Rwanda, 1994: International incompetence produces genocide' (Nov-Dec 1994) *Peacekeeping & International Relations* 6-10; United to End Genocide 'The Rwandan genocide' <http://endgenocide.org/learn/past-genocides/the-rwandan-genocide/> (accessed 18 January 2017).

63 See Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights; Declaration on Unconstitutional Changes of Government 2000; and the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration 2000.

3 Africa's renaissance and the AU

The independence of Namibia in 1990 followed by the fall of the Apartheid regime in South Africa in 1994 – the last two major bastions in the fight against colonialism on the continent – and the reappearance of multiparty democracy across Africa, gave a new stream of hope for Africa's development and unity. These events spurred excitements not just among Africans but also the rest of the world about Africa's impending re-awakening from a past ravaged by armed conflicts, dictatorship, and poverty. The fact that these events crystallised just at about the end of the century brandished the dawning twenty-first century as an African century.⁶⁴ This optimism led to what was subsequently christened the 'African Renaissance' – the rebirth or revival of Africa.⁶⁵ It marked the renewal of the African identity as one which has risen from the ashes of the past and is braced up for the promises of the future. African Renaissance is a belief rather than a phenomenon that Africans, more than anyone else, must be responsible for the decisions and policies that promote peace and prosperity on the continent. It is an Africa-focused and Africa-driven call that requires Africans to proffer home-grown solutions to African problems. 'Besides being a proposal to harness Africa's potential,' Louw asserts, 'it also is an effort to remove the sources of conflict, restore its self-esteem and turn it into a zone of economic prosperity, peace and stability.'⁶⁶

The idea of African renaissance was first propagated by Senegal's Cheikh Anta Diop in his book *Towards the African renaissance: Essays in culture and development, 1946-1960*⁶⁷ and subsequently endorsed by Nelson Mandela in a speech delivered at the Oxford Centre for Islamic Studies on 11 July 1997 where he stated that the African identity which is the result of Africa's engagement in world history enables it to contribute to the creation of a new global order 'through the reconstruction of our countries and the rebirth of our continent.'⁶⁸ He emphasised that an acknowledgement of our own heritage is essential to the forging of new

64 AH Louw 'The concept of the African Renaissance as a force multiplier to enhance lasting peace and stability in Sub-Saharan Africa' (2000) 1 http://www.africanvenir.org/fileadmin/_migrated/content_uploads/LouwAfricanRenaissanceForceMultiplier_03.pdf (accessed 15 January 2017).

65 As above, 4.

66 As above.

67 CA Diop & EP Modum *Towards the African renaissance: Essays in African culture and development, 1946-1960* (1996) 152. Originally published in French as *Alerte sous les tropiques*, Paris: *The estate of Cheikh Anta Diop and présence Africaine*, 1990 translated by EP Modum.

68 President Nelson Mandela's lecture on 'Renewal and renaissance – Towards a New World Order' (11 July 1997) at the Oxford Centre for Islamic Studies Oxford <http://www.sahistory.org.za/archive/renewal-and-renaissance-towards-new-world-order-lecture-president-nelson-mandela-oxford-cent> (accessed 18 January 2017); PT Zeleza 'What happened to the African Renaissance? The challenges of development in the twenty-first century' (2009) 29(2) *Comparative Studies of South Asia, African and the Middle East* 155.

identities, as nations and as a continent. The recovery of our history is both a precursor of renewal and is promoted by it.⁶⁹

Although John Kufuor of Ghana once rightly said that the story of African Renaissance is not a novel one,⁷⁰ it is widely acknowledged that it was Thabo Mbeki who popularised the idea. Mbeki - more than anyone - activated a new thinking of a prosperous Africa redefined by an African identity, liberated from neo-colonial influence in all its forms, driven by the will and expression of its peoples, and by the unity of purpose of all African states. Not Mbeki's indelible words alone but the vision behind them that electrified the idea of African Renaissance. Beginning from his famous 'I am an African' speech of 8 May 1996 during the adoption of the South African Constitution, Mbeki envisioned Africa's 'rise from the ashes' irrespective of the setbacks and difficulties of the moment.⁷¹ In establishing that Africa's renaissance is imperative for Africa's unity, Mbeki said of African states that 'none of our countries is an island which can isolate itself from the rest and that none of us can truly succeed if the rest fail.'⁷² Yet, it is his rooting of his idea of African Renaissance on not only the involvement of African peoples but also their ownership of it that stands it out from the setback of Nkrumah's Pan-Africanist campaign. Mbeki believed that:

African Renaissance, in all its parts, can only succeed if its aims and objectives are defined by the Africans themselves, if its programmes are designed by ourselves and if we take responsibility for the success or failure of our policies.⁷³

To more properly operationalise his idea, Mbeki presented a roadmap to the OAU which he dubbed the Millennium African Recovery Programme (MAP). MAP was intended to provide 'a coherent, but focussed, strategy and implementation programme to address the problems of Africa.'⁷⁴ As if this new idea simultaneously engulfed the continent at the same time, a programme similar to MAP was, elsewhere, being passionately articulated by Senegal's Abdoulaye Wade in form of the Omega Plan for Africa (Omega).⁷⁵ The objective of Omega was to assess the challenges African states were having in their quest to meet up with their developed counterparts and to raise the required funds under the most favourable

69 President Nelson Mandela's lecture (n 68 above).

70 n 60 above.

71 Soweto.co.za 'Thabo Mbeki - I am an African' http://www.soweto.co.za/html/i_jamafrican.htm (accessed 20 January 2017).

72 South African Department of International Relations and Cooperation 'The African Renaissance, South Africa and the world' a speech by Deputy President Thabo Mbeki at the United Nations University in 9 April 1998 <http://www.dirco.gov.za/docs/speeches/1998/mbek0409.htm> (accessed 20 January 2017).

73 As above.

74 n 64 above.

75 A Wade 'Omega Plan for Africa: An African strategy for globalisation' (2003) 4(12) *The Economist* 36.

circumstances.⁷⁶ Wade thought that the logic of Africa's early postcolonial experience of development with the developed world was underpinned by credit and aid which only led to more debt: 'Credit has led to debt deadlock, which, from instalments to re-scheduling still exists and hinders the growth of African countries.'⁷⁷ And so, Wade proposed Omega as a new way of forging progress for Africa through international support in a manner that actually translates to economic development.

As the events immediately preceding the beginning of the new millennium unfolded, the renewed optimism for Africa's revival specifically targeted the reformation of the OAU/AEC and the economic development of the continent – two essential ingredients for Africa's movement towards continental statehood. Having realised that the original structures of the OAU did not live up to expectation, its reorganisation was certain. In the Fourth Extraordinary Session of the Assembly of Heads of State and Government in Sirte, Libya, African leaders unanimously adopted the Sirte Declaration on 9 September 1999 in which they recognised that 'our Continental Organisation needs to be revitalised in order to be able to play a more active role and continue to be relevant to the needs of our peoples and responsive to the demands of the prevailing circumstances.'⁷⁸ It was, thus, decided that an African Union be established in accordance with the 'ultimate objectives' of the OAU Charter and the AEC Treaty.⁷⁹ It was also decided that the AEC Treaty be implemented earlier than projected, and that there be established for the proposed Union, an African Court of Justice, an African Central Bank, an African Monetary Union, and a Pan-African Parliament. As 'pillars' for realising the objectives of the AEC and the Union, regional economic communities (RECs) were to, at the same time, be strengthened and consolidated.⁸⁰ The effect of the Sirte Declaration was far-reaching as it proposed a drastic transformation of the OAU from a loose and weak continental organisation to one with a stronger grip on African states.

However, the duplication of initiatives for Africa's renaissance like MAP and Omega achieved anything but harmony of purpose.⁸¹ The potential for conflict and its prospective impact on Africa's eagerness to achieve stronger unity and develop would have been catastrophic had it

76 As above.

77 As above, 37.

78 African Union 'Sirte Declaration' Fourth extraordinary session of the Assembly of Heads of State and Government 8-9 September 1999 Sirte Libya EAHG/Draft/Decl. (IV) Rev.1 para 5.

79 As above, para 8(i).

80 As above, para 8(ii)(a), (b) & (c); Africa Recovery 'Transforming the Organisation of African Unity into the African Union' (2001) 15(3) *Africa Recovery* 22.

81 South African Department of International Relations and Cooperation 'An overview of NEPAD' 6 February 2004 http://www.dirco.gov.za/au.nepad/nepad_overview.htm (accessed 7 June 2017); E Baimu 'Human rights mechanisms and structures under NEPAD and the African Union: Emerging trends towards proliferation and duplication' (2002) Occasional Paper (Paper 15) http://www.chr.up.ac.za/chr_old/centre_publications/occ_papers/occ15.html (accessed 7 June 2017).

not been spontaneously curtailed. To avoid the impending duplicity, African leaders were spurred to seek a fusion of both Mbeki's MAP and Wade's Omega Plan into one all-encompassing whole. The result was the birth of the 'New African Initiative' on 3 July 2001.⁸² The initiative is an integrated and innovative 'made in Africa' development agenda that aims at getting African leaders to commit themselves and their countries to a continued effort aimed at poverty eradication and economic development. It was presented to the OAU Assembly and adopted on 11 July 2001 in Lusaka, Zambia.⁸³ The policy framework of the initiative was subsequently developed and finalised at the first meeting of the Heads of State and Government Implementation Committee (HSIC), and led to the formation of the New Partnership for Africa's Development (NEPAD) in Abuja, Nigeria, on 23 October 2001.⁸⁴ The founding member states of NEPAD were Algeria, Egypt, Nigeria, Senegal and South Africa.⁸⁵

NEPAD is an integrated strategic development plan with political, economic, developmental and security dimensions.⁸⁶ In the NEPAD Declaration of 2001, African leaders resolved that Africans will determine their own destiny and invited the rest of the world to complement their efforts. They also called for 'a new relationship of partnership between Africa and the international community, especially the highly industrialised countries,' to overcome the development gap between them and Africa.⁸⁷ To bring the goals and aspirations of NEPAD into fruition, a secretariat was established in 2001 to coordinate its policies and projects.⁸⁸ In a bid to get the buy-in of developed economies to support Africa's new development initiative, NEPAD's HSIC met in Rome, Italy in June 2002, and recommended that AU member states adopt its proposed Declaration on Democracy, Political, Economic and Corporate Governance. The essence of the Declaration was to ensure 'a strong statement of reaffirmation by African leaders of their strong commitment to the principles of good governance.'⁸⁹ In the Declaration, African leaders resolved to establish an African Peer Review Mechanism (APRM) as a separate mechanism to be voluntarily acceded to by AU members for the

82 'A New African Initiative: Merger of the Millennium Partnership for the African Recovery Programme (MAP) and Omega Plan' <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN002931.pdf> (accessed 22 January 2017).

83 E Harsch 'New African initiative stirs cautious hope: Praise and scepticism for continental development plan' (2001) 15(3) *Africa Recovery* 21.

84 As above.

85 New Partnership for Africa's Development 'About NEPAD' <http://www.nepad.org/content/about-nepad#aboutourwork> (accessed 22 January 2017).

86 African Development Bank 'The New Partnership for Africa's Development' <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/00474085-FR-SEMINAR-NGO-PRES-ON-NEPAD.PDF> (accessed 25 January 2017).

87 NEPAD Declaration 2001 paras 7-8.

88 'Communiqué issued at the end of the third meeting of the of Heads of State and Government Implementation Committee of the New Partnership for Africa's Development (HSIC), Rome, Italy on 11 June 2002' 5 http://www.au2002.gov.za/docs/key_oau/hsic3.pdf (accessed 25 January 2017).

89 As above.

purpose of self-monitoring, 'based on mutually agreed codes and standards of democracy, political, economic and corporate governance.'⁹⁰ The aim of the APRM is to ensure that policies and practices of the volunteering states comply with the mutually agreed democratic, political, economic and corporate governance principles enshrined in the Declaration.⁹¹

4 The AU and the foggy 'government' structure

The transformation of the OAU into the AU on 9 July 2000 was significant to Africa's Pan-African history and overall integration objective.⁹² The OAU's inability to galvanise continental unity beyond the liberation of the African continent from colonialism, by itself, was distressing. It was also helpless in suppressing unconstitutional changes of governments, preventing mass atrocities and gross human rights violations, effectively promoting democracy and good governance in many African states, and charting a feasible course for continental integration. These inexcusable shortcomings gave African leaders even more reasons to rethink the conditions for its continued relevance in meeting their ultimate aspirations. The emergence of Africa's Renaissance and the establishment of the pacesetter NEPAD required that the OAU needed to shed off its old skin and put on new toga of authority in terms of its ability to set and enforce its own standards and policies. A new continental vehicle or, at least, a refurbished one was needed.

The demands of change led inevitably to the transition to the AU. Four important summits led to the operationalisation of the AU: The Sirte Extraordinary Summit in Sirte, Libya which called for the establishment of the AU in its declaration of 9 September 1999 (famously known as 9.9 99); the Lomé Summit in Lomé, Togo which saw the adoption of the Constitutive Act on 11 July 2000; the Lusaka Summit in Lusaka, Zambia from 9 to 11 July 2001, which drew the roadmap for the AU's implementation;⁹³ and the Durban Summit in Durban, South Africa, which saw the AU's official commencement and its first Assembly of Heads of State and Government in July 2002.⁹⁴

The AU Constitutive Act, unlike the OAU Charter, adopts a more integrative approach to continental governance and appropriates to the regional body tougher powers than its predecessor. The Act incorporates

90 Declaration of Democracy, Political, Economic and Corporate Governance 2002 para28; n 78 above, 5.

91 APRM Base Document 2003 para 2.

92 Constitutive Act 2000, art 3(a).

93 OAU/AEC Assembly of Heads of State and Government 'Decisions and Declarations' Thirty-Seventh Ordinary Session/ Fifth Ordinary Session of the AEC 9 – 11 July, 2001 Lusaka, Zambia AHG/Dec. 1 - 11 (XXXVII) AHG/Decl. 1 - 2 (XXXVII).

94 African Union 'History of the OAU and AU' <https://www.au.int/web/en/history/oau-and-au> (accessed 25 January 2017).

the objectives of the defunct OAU and complements those of the AEC. By its tenor, the AU is empowered to take more decisive steps where the need arises. For instance, it can intervene in a member state by a decision of the Assembly under grave circumstances of war, crimes against humanity or genocide, or it can be requested to intervene by a member state in distress 'in order to restore peace and security.'⁹⁵ The AU can also condemn and reject unconstitutional changes of governments.⁹⁶ The Act empowers the Assembly to impose sanctions of a political and economic nature on member states that fail to comply with AU decisions and policies or default in the payment of their contributions to the Union;⁹⁷ and allows the Union to suspend governments that come to power by unconstitutional means.⁹⁸ It also empowers the AU Assembly to issue directives on the restoration of peace, and management of wars, conflicts, and emergency situations on the continent. Importantly, it makes provisions for the participation of African peoples in the affairs of the Union through the establishment of the Pan-African Parliament (PAP), a brainchild of the AEC. The purpose of PAP is to facilitate the effective implementation of 'objectives and policies aimed at integrating the African continent within the framework of the African Union.'⁹⁹

The tone of the AU's tough powers has enabled member states fall in line with its principles, and created a conducive environment for Africa's democratisation to thrive. In addition to deploying peace support missions to Somalia, Darfur, Central African Republic, Mali, Comoros, Sudan, and Burundi,¹⁰⁰ the AU has suspended and imposed sanctions on Burkina Faso (2015), Burundi (2015), Mali (2012), Madagascar (2010), Guinea (2009), Niger (2009), Mauritania (2008) and Togo (2005) due to the unconstitutional changes of government or continuing undemocratic regimes in those countries.¹⁰¹ The AU reaffirmed its lethargy for unconstitutional changes of governments with the adoption of the African Charter on Democracy, Elections and Governance 2007 (ACDEG). One of the objectives of ACDEG is to nurture, support and entrench good governance in order to establish conditions for 'citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.'¹⁰² The AU has also consolidated on its continent-wide democratisation process by adopting

95 Constitutive Act, art 4(h) & (j).

96 Constitutive Act, Art 4(p).

97 Constitutive Act, art 23.

98 Constitutive Act, art 30; ACDEG, art 23.

99 Protocol to the Treaty of the African Economic Community relating to the Pan-African Parliament 2001 (PAP Protocol), art 3.

100 African Union and New Zealand Crown *African Union Handbook 2017* 4th ed (2017) 67,90.

101 KD Magliveras 'The sanctioning system of the African Union: Part success, part failure?' (2011) https://www.academia.edu/1103678/THE_SANCTIONING_SYSTEM_OF_THE_AFRICAN_UNION_PART_SUCCESS_PART_FAILURE (accessed 30 January 2017).

102 ACDEG, art 2(6) & (10).

norms that combat terrorism and corruption, promote collective action on defence and aggression, promote cultural cooperation that strengthens African unity, ensure women and youth participation in decision-making processes up to continental levels of governance, and protect the rights of internally displaced persons.¹⁰³

Additionally, the PAP in Midrand, South Africa, has also greatly enhanced the AU's continental governance democratic structure by preparing it for its future role as the continent's main parliamentary institution. Currently, PAP functions to ensure the participation of all the peoples of Africa in the economic integration and development of the continent. Its ultimate objective is 'to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage.'¹⁰⁴ Member states have an equal number of five parliamentarians, which must reflect the diversity of the public opinions in each national parliament, and at least one of whom must be a woman.¹⁰⁵ Importantly, the AU democratisation process in the journey towards continental government incorporates gender mainstreaming and balance in all its affairs. It does so not only at the PAP level but in virtually all its organs and institutions. In furtherance of this gender mainstreaming objective, the AU adopted a Gender Policy in 2009 that seeks to 'eliminate barriers to gender equality in the continent.'¹⁰⁶ All these taken together with the Agenda 2063 vision make up an integrated whole in its march toward statehood.

It is suggested that if existing AU organs including the former OAU institutions absorbed by the AU are anything to go by,¹⁰⁷ then it may well be that there already exists a continental governance structure in the works. Presently, the AU boasts a weak three-arm government structure. There is an executive hierarchy comprising the Assembly (which also plays a pseudo-legislative role), the Executive Council, the Peace and Security Council, the Permanent Representative Committee (PRC) and the Specialised Technical Committees (STC). For its legislature, there exists PAP responsible for effectively implementing the objectives and policies of the AU. For the judiciary, there is the African Court of Justice. Whilst it is

103 AU Convention for the Protection and Assistance of Internally Displaced Persons (2009), art 2; African Youth Charter 2006, art 11(b); Charter for African cultural Renaissance 2006, art 3(f); AU Non-Aggression and Common Defence Pact 2005, art 4(b); Protocol to the OAU Convention on the Prevention and Combating of Terrorism 2004, arts 2 & 4; AU Convention on Preventing and Combating Corruption 2003, arts 2(1)(2) & 19; and Maputo Protocol 2003, art 9.

104 Pan-African Parliament 'About' www.panafricanparliament.org/about-pap (accessed 30 January 2017).

105 PAP Protocol, art 4.

106 United Nations 'AU Gender Policy 2009' http://www.un.org/en/africa/osaa/pdf/au/gender_policy_2009.pdf (accessed 30 January 2017).

107 See the organs established under the Constitutive Act, the AEC Treaty (including their respective supplementary protocols – Protocol on Amendments to the Constitutive Act of the African Union 2003; Protocol relating to the Establishment of the Peace and Security Council of the African Union 2002 and the PAP Protocol).

not yet operational because the Court's enabling Statute has not attained the necessary number of ratifications, it is noteworthy that before the adoption of the Constitutive Act, there was already established an African Court on Human and Peoples' Rights, and it remains the only active regional court on the continent. There is an attempt to fuse this Court with the Court of Justice, and a more recent attempt to add an international criminal law section to the merged court. If this happens, there will be one African Court with three sections – a general section for community law matters, a human and peoples' rights section, and an international criminal law section (which will have three chambers – a Pre-Trial Chamber, a Trial Chamber and an Appellate Chamber).¹⁰⁸

In terms of administration and policy formulation, the AU has an established civil service structure in the AU Commission (AUC) with functional departments headed by commissioners with specific portfolios such as peace and security, political affairs, social affairs, economic affairs, trade and investment, infrastructure and energy, human resource, science and technology, and rural economy and agriculture. Importantly, the AUC is headed by a Chairperson (formerly called the Secretary-General), an office that is, in many respects, modelled after that of a presidency or prime minister of a state. The office has a chief of staff, a chief adviser, special advisers and advisors. The chief of staff commandeers the Bureau of the Chairperson, which comprises offices,¹⁰⁹ directorates,¹¹⁰ units,¹¹¹ committees¹¹² and divisions.¹¹³ In the AUC departments, are divisions and units (and sometimes, clusters), which are each composed of an internal hierarchy.

The AUC also has specialised bodies created to carry out mandates in relation to specific issues on the continent. They include human rights bodies like the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child;¹¹⁴ legal organs like the AU Advisory Board on Corruption and the AU Commission on International Law;¹¹⁵ and financial institutions like the African Central Bank, the African Monetary Fund, and the African Investment Bank. All these institutions make up the continental

108 Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights 2014, art 6.

109 Office of the Secretary-General to the Commission; Office of the Legal Counsel; and Office of Internal Audit.

110 Directorate of Women, Gender and Development; Directorate of Strategic Planning, Policy, Monitoring, Evaluation and Resource Mobilisation; Citizens and Diaspora Directorate; and Directorate of Information and Communication.

111 New Partnership for Africa's Development (NEPAD) Coordination Unit.

112 Intelligence and Security Committee.

113 Protocol Services Division; and Partnership Management and Coordination Division.

114 African Charter.

115 AU Convention on Preventing and Combating Corruption 2003, art 22; Statute of the African Union Commission on International Law 2009, art 2.

governance superstructure and cumulatively paint a foggy picture of an African regional government in the making.

5 Agenda 2063: From something abstract to something concrete

In the drive towards continental statehood, a clear vision and roadmap are essential if the ultimate objective of full integration must be realised. Agenda 2063 presents a long-term idea and detailed action plan for steering the AU's Pan-African vision of 'an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena.'¹¹⁶ By this ambitious Agenda, the AU hopes to politically integrate all 55 states on the African continent.¹¹⁷ The five-decade plan highlights and promises an important milestone in what past Pan-African political philosophers and independence national liberation leaders envisioned as the total liberation, unification and development of Africa and her peoples. It is timely and apt, and probably the 'golden talisman' that Africans have long awaited to chart a realistic course for the amalgamation of Africa and all its islands as one indivisible political and socio-economic entity.

In its introductory paragraphs, the Agenda echoes 'the Pan-African call that Africa must unite in order to realise its renaissance'¹¹⁸ – a call that marked the life and time of Nkrumah. As already stated above, Nkrumah imagined quite early, as far back as 1957, that the best safeguard for Africa's freedom and collective prosperity was a political union of African states.¹¹⁹ Like Nkrumah, the Agenda declares that by 2063 'Africa shall be an integrated, united, peaceful, sovereign, independent, confident and self-reliant continent.'¹²⁰ The Agenda is based on seven key aspirations:

- (a) a prosperous Africa based on inclusive growth and sustainable development;
- (b) an integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance;
- (c) an Africa of good governance, democracy, respect for human rights, justice and the rule of law;
- (d) a peaceful and secure Africa;
- (e) an Africa with a strong cultural identity, common heritage, values and ethics;
- (f) an Africa where development is people-driven, unleashing the potential of its women and youth; and
- (g) Africa as a strong, united and influential global player and partner.

116 African Union 'AU in a nutshell' <https://www.au.int/en/about/nutshell> (accessed 27 December 2016).

117 Morocco returned to the AU in January 2017 after withdrawing its membership in 1984 due to the then OAU's recognition of Western Sahara as part of Saharawi Arab Democratic Republic (SADR).

118 n 22 above.

119 Nkrumah (n 33 above) xi.

120 n 22 above.

Commendably, the Agenda goes a step further to peg specific deadlines for the realisation of these aspirations.¹²¹ It proposes, among other things, to ensure migration by all African states to digital TV broadcasting by 2016, launch a continental free trade programme by 2017, increase access to broadband internet by 10 per cent by 2018, introduce an African passport and abolish visa requirements for all Africans to African countries by 2018, silence the guns and end all wars on the continent by 2020, achieve consensus on the form of continental government by 2030, increase the quality of Africa's infrastructure to world-class standard and boost intra-Africa trade growth from 12 per cent in 2013 to 50 per cent by 2045, and increase Africa's share of international trade from 2 per cent to 12 per cent.¹²² The timely achievement of these milestones is expected to fast-track the AU and its member states' pull towards a fully-fledged continental government by 2063.

The Agenda's time-specific integration objective is fundamentally plausible for its goal-orientedness and elucidation as against the initial obscurity of Nkrumah's ideas that left many African leaders uncertain at that time of what a continental African state would look like. Two reasons justify this point: First, Agenda 2063 is devoid of the personalisation that Nkrumah and Gaddafi's call for a 'United States of Africa' drew to themselves. It is the result of a 'consultative process' mirrored by not just a top-down approach but the cohesive involvement of several layers of stakeholders including African peoples. Surely, it has come with some forcefulness but not with the uncalculated urgency that marked its early activism so much so that it had the tendency of brooding scepticism and suspicion among conservative Francophone Africa and big states like Nigeria about the leadership ambitions of its propagators over the proposed continental government.¹²³ Secondly, the Agenda strongly voices a democratic foundation centred on and driven by Africans. This is essential because the 'idea of democracy above the national level,' Kaplánová reasons, 'has evoked the need to advocate a more democratic supranational order';¹²⁴ thus, cloaking the gravitational process with a democratic face in a remarkable way. Complementary to the 2063 vision

121 n 22 above, para 2.

122 n 22 above, paras 16 & 17.

123 Legum (n 23 above) 54-55; Nkrumah (n 33 above) 147; A Adebajo 'Africa grows suspicious of Gaddafi's bizarre ambitions' <http://www.ccr.org.za/index.php/media-release/in-the-media/newspaper-articles/item/259-pr-132?tmpl=component&print=1> (accessed 31 January 2017).

124 P Kaplánová 'Transnational democracy, legitimacy and the European Union' (2015) 4(1) *Journal of Universal Excellence* A54; see also Bohman (n 9 above) 66 (where Bohman considers that the growing 'democratic deficit' at the supranational level needs to be addressed because its processes of normative development are often of a political nature that is often far removed from the influence of citizens); cf Eriksen & Fossum (n 10 above) 31 (where they argue that it is the nation states that suffer 'democratic deficits' because states lack national control over decisions taken outside their borders which have consequences for citizens).

are several well-articulated AU policy documents and strategies that are all geared towards the goal of unification.¹²⁵

Interestingly, the AU is underway to achieving some of the Agenda's major milestones. With Morocco's comeback to the AU in 2017, the plan to end all remnants of colonialism and liberate all occupied African territories, including Western Sahara, Chagos Archipelago and the Comorian Island of Mayotte seem feasible by the set time of 2020.¹²⁶ Also, the African passport introduced in July 2016 will facilitate the free movement of Africans within Africa and create room for the abolition of visa requirements for all Africans by 2018.¹²⁷ On the political front, it is clear that nearly all African states have accepted democracy as an ideal form of government. The AU and RECs' spontaneous imposition of sanctions and willingness to act against unscrupulous governments that acquire power by unconstitutional means lend credence to the democratisation of governance and the AU's lethargy for unconstitutional changes of government. Most recently, the Economic Community of West African States (ECOWAS) intervened in the Gambia's 2016 post-election crisis to avert the imminent humanitarian disaster that Yahya Jammeh's refusal to relinquish power would have occasioned to the Gambian people.¹²⁸ In 2012, the AU also initiated the process for the establishment of the Continental Free Trade Area (CFTA) by 2017, which seeks to double intra-African trade by 2022, strengthen Africa's position in international trade negotiations, and establish the proposed regional financial institutions by agreed timeframes.¹²⁹

However, as detailed and promising as the Agenda might be, it is nonetheless more abstract than pragmatic in many of its projections. The Agenda promises to see through the continent's migration to digital broadcast by 2016, increase broadband penetration in the continent to 10 per cent by 2018, increase broadband connectivity by 20 percentage points, abolish intra-Africa visa requirements for all Africans by 2018, and, most

125 These are represented through the African Peace and Security Architecture (APSA), African Governance Architecture (AGA), Continental Free Trade Area (CFTA); Continental Education Strategy for Africa (CESA); Continental Technical and Vocational Education and Training Strategy; Human Rights Strategy for Africa (HRSA); Program Infrastructure Development for Africa (PIDA); Comprehensive Africa Agriculture Development Programme (CAADP); Africa Regional Strategy for Disaster Risk Reduction; Great Green Wall for the Sahara and Sahel Initiative; Accelerated Industrial Development for Africa (AIDA), etc.

126 n 22 above, para 22.

127 African Union 'African Union Passport Launched during Opening of 27th AU Summit in Kigali' <https://www.au.int/en/pressreleases/31182/african-union-passport-launched-during-opening-27th-au-summit-kigali> (accessed 31 January 2017); K Monks 'United States of Africa? African Union launches all-Africa passport' (2016) <http://edition.cnn.com/2016/07/05/africa/african-union-passport/> (accessed 31 January 2017).

128 R Maclean 'Troops enter the Gambia after Adama Barrow is inaugurated in Senegal' 19 January 2017 <https://www.theguardian.com/world/2017/jan/19/new-gambian-leader-adama-barrow-sworn-in-at-ceremony-in-senegal> (accessed 31 January 2017).

129 n 22 above, 17.

ludicrous of all, silence the guns and 'end all wars' by 2020. As of January 2017, only a hand-full of African countries had completed the digital migration process.¹³⁰ Although Nigeria and South Africa have pledged to complete migration by 2017, this would be two years beyond the original date set by the International Telecommunications Union. More so, the AU has not incentivised or supportively monitored the migration process in any way; thus, leaving out very poor African countries that have more pressing economic issues to address. Again, there is no accurate way of assessing the extent of broadband penetration and connectivity in order to track the AU's progress indicators. In the case of the visa abolition, there is yet no country on the continent that has adopted a timeline within which to abolish visa requirements for all African states by 2018. With stiffer visa requirements recently adopted by South Africa and Ethiopia, it is extremely doubtful that visa abolition for African states would materialise soon. Yet, the one most shrouded in grandiosity is the aspiration to 'silence the guns' and 'all wars' by 2020. As of January 2017, armed conflicts of some sort still persist in Algeria, Cameroon, Chad, DR Congo, Ethiopia, Kenya, Libya, Mali, Nigeria, Somalia, Sudan, South Sudan, Uganda, and other African countries. Despite the AU's African Peace and Security Architecture (APSA) and the RECs mechanisms of conflict prevention, there is no assuring indication that these conflicts will be resolved and the smoking guns put out by 2020.

If there is one other potential setback that the Agenda faces, it is the non-involvement and absence of support of the African peoples. Whilst the AU echoes that the Agenda is people-centred and people-driven, this is clearly not what is reflected on the ground. Even though there are no available statistics to show how many Africans have a fringe idea of the AU, it is arguably an awfully low number. As it stands, there is a real likelihood that the 2063 vision is the machinations of a few armrest-sitting people in the AUC, and thus lacking the needed consultations and democratic inputs of the African peoples. If this is the case, the Agenda may already have a faulty foundation. Like Nkrumah's idea of African nationalism and unification which, though focused on Africa and Africans, was hardly backed by Africans at the time, the Agenda may also fall through the cracks if, indeed, it is not driven by and centred on the African people. Again, there is no indication that African states have integrated the timelines of the Agenda in their national policies in line with their pledge in the 50th Anniversary Solemn Declaration of 2013. If this is the situation, then the Agenda is doomed to fail.

130 T Jackson 'The digital switchover stalls' 15 April 2015 <http://africanbusinessmagazine.com/sector-reports/technology/the-digital-switchover-stalls/> (accessed 1 February 2017).

6 Arguments against a continent-wide state

The dream of a transnational African state may sound fantastic but its shining promise is dimmed by quite a number of important factors. First, like the Nkrumah era, there is still an unseen rivalry between countries that are essentially gradualist in their approach to continental integration and those that are not. Many states are more poised to forge a national identity for the people in their colonially inherited territories and may prefer integration which is more economic than political. The recent 'Brexit' vote by the United Kingdom and the emergence of Donald Trump in the US are indicative of the rise of nationalism and may have reinforced the sentiments of gradualists in Africa that a political union may not be the way to go after all. Also, it is incontrovertible that many African states hold their national sovereignties more dearly than others and may not yet anticipate their fusion into a larger continental state. In South Africa, for example, where there is a high level of nationalism, the South African Constitution neither specifically indicates nor anticipates any special relationship with the rest of Africa let alone integrating with it.¹³¹ Additionally, the repeated xenophobic incidents between its citizens and 'foreign' Africans do not quite illustrate favourably a readiness to integrate economically and politically with the rest of Africa. If anything, South Africa has increasingly taken more steps against immigrants from other African countries that may be considered antithetical to the continental integration agenda.¹³² Even states like Ghana whose Nkrumah radically championed the call for integration have long expunge the idea of the Union of African States from their Constitution. In its 1960 Constitution, Ghana made provisions for the 'early surrender of sovereignty to a union of African states and territories.'¹³³ This provision has mysteriously disappeared from the 1992 Ghanaian Constitution.¹³⁴ The absence of provisions on integration in many national constitutions demonstrates the scepticism about the African state project.

Second, issues around identity politics, the ethnicisation of development and its resultant effect on statehood in Africa also puts a question mark on the capacity of a continental superstructure to manage ethnic rivalries and tensions within the framework of a broader African state. For example, many African states have become latently fragile due to the impact of identity politics on national stability and state institutions. 'Ethnicity,' according to Jeng, 'has often formed part of the analytical

131 DT McKinley 'Xenophobia and nationalism: Exposing the South African state for what it is' (2008) 2-3 <http://school.r2k.org.za/wp-content/uploads/2015/03/McKinley-2008.pdf> (accessed 3 February 2017); C Landsberg 'South Africa's "African Agenda": Challenges of policy and implementation' http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-za/dv/3_african_agen/3_african_agenda.pdf (accessed 3 February 2017).

132 As above.

133 Constitution of Ghana 1960 preamble, arts 2 & 13(1).

134 Constitution of Ghana 1992 art 40.

framework that tries to deconstruct the primary, if not central, causalities of internal conflicts' in Africa.¹³⁵ If 'federal' states like Central African Republic, DR Congo, Ethiopia, Nigeria, Somalia and Tanzania are structurally problematic, substantially fragile, embroiled in serious internal problems and incapable of rallying together as nation states, then suggestively the likelihood of one continental government holding the 55 pieces of significantly diverse African states together is very slim. One can speculate that if Nigeria, the oldest federation on the continent, with over 400 ethnic groups, is still grappling with nationhood more than six decades after adoption of federalism in 1954, how much more a continental state? The AU is still structurally too weak to govern over one billion people on a continental scale. A continental three-arm structure and an African Standby Force are not enough to effectively hold the body together if the foundations of the proposed political union are structurally defective. Africa will need more than that. Presently, the AU proposes to use RECs as building blocks for the realisation of its political and economic integration objectives. Yet, no REC has completely forged a sub-regional union state that has tested its ability to maintain stability over a period of time and managed the cancerous elements of ethnicity and religion in politics. To not fail, the AU cannot afford to be the first and only test experiment there is.

Third, indicators like the continent's gross domestic product (GDP) and intra-Africa trade needed for determining the economic viability of the proposed continental state are still very weak. With a cumulative GDP equal to only that of France, Africa and the AU will need to do more in terms of shoring up Africa's economic base to execute and independently sustain its development agenda for the entire continent. Since a merged population outlook of over one billion Africans will require economic and development projections that reflect the vast number of people, African states will need a seamlessly interconnected, interdependent and integrated intra-trade network across major economic lines. With many states currently trading less internally with fellow African states, it is clear the much-needed economically symbiotic foundation necessary for integration is still lacking. If African states do not yet consider that they have more to gain trading with other African states than with non-African states, then the prospect of taking the integration agenda more seriously is even less likely. Agenda 2063 projects 'the principle of self-reliance and Africa financing its own development.' This means that there must, at least, be some measure of self-reliance on the part of many, if not all, African states before integration.

Fourth, the pervasiveness of internal conflicts and wars poses a significant threat to continental unity. Francis states that wars and armed

135 A Jeng *Peacebuilding in the African Union: Law, philosophy and practice* (2012) 248; FH Ayatse & II Akuva 'The origin and development of ethnic politics and its impacts on post-colonial governance in Nigeria' (2013) 9 *European Scientific Journal* 178-189.

conflicts make it 'impossible to achieve the economic growth and development objectives of integration.'¹³⁶ To him, these conditions 'have undermined the achievement of the regional economic integration and development objectives' of Africa.¹³⁷ Besides, African leaders have themselves undermined Africa's capacity and ability to promote continental peace through their lack of political will. If Africa must integrate, the conditions for peace and development must not only be guaranteed but supported and coordinated on a continental scale. Presently, the AU's approach to conflict management on the continent is reactive and does little to prevent potential conflicts and humanitarian crises from blowing up. Perhaps, the AU can be more proactive in deploying the instruments of preventive diplomacy and force, if necessary, to avert potential humanitarian conflicts before they occur like ECOWAS did in The Gambia in January 2017.¹³⁸

Fifth, the process of integration is hardly driven by the African people themselves. The AU and its Agenda 2063 profess on paper to be people-driven and people-centred, but it is absolutely not clear what this translates to in reality.¹³⁹ For example, are the African people really interested in continental integration? How have they exhibited that interest? What was the consultative procedure that was followed in developing the Agenda and to what degree did the African people participate in the decision-making process? Who will be the true sovereigns – the people or the amalgamating states? Does the democratisation process of the proposed transnational state promise a deliberative democratic approach where the people are directly involved in continental governance or will it continue to be through their elected or selected representatives? What will continental democratic governance mean for the lay African in the street? Presently, there is a great disconnect between the people and the AU integration objectives. Year-in and year-out African leaders attend and participate in AU activities in Addis Ababa but the decisions they supposedly adopt on behalf of their people hardly ever translate to policy implementation on the ground. With the simultaneous rise of poverty and nationalism, there is reason to fear that the AU may lose popular support should the final decision on integration be referred to its people because there is yet to be any evident correlation between integration and development for the average African.

Finally, and closely connected to the first point, is the potential setback continental integration may ultimately face when the time comes for African states to surrender their sovereignties. If political unification will

136 DJ Francis 'Linking peace, security and developmental regionalism: Regional economic and security integration in Africa' (2006) 2 *Journal of Peacebuilding and Development* 141-159 in McCandless & Karbo (n 49 above) 510.

137 T Murithi 'African institutions: Securing peace and development across borders' in McCandless & Karbo (n 49 above) 507.

138 n 128 above.

139 Constitutive Act art 4(c); n 22 above, paras 3, 47-58.

eventually be achieved, then states must be willing and available to submit a portion of their sovereignty to the centre. But the likelihood of that happening will be based on concessions and conditions. Will South Africa which is about the most technologically advanced state in Africa open its borders to Africans from other countries? Will Egypt which has the strongest military in Africa need an African Standby Force or submit itself on the same terms as Somalia? Will Nigeria which has a population that is half of the entire West African sub-region, four times as populated as South Africa and nearly 180 times as populated as Lesotho or Djibouti submit itself on the same terms as these countries? These issues are not yet clear and they are not insurmountable either. For more than five decades of African solidarity on the OAU and AU platforms, if there have been any principles that have consistently featured in nearly all major regional instruments, they are the principles of sovereignty, independence and non-interference in member states' affairs.¹⁴⁰ Given the eagerness to integrate, it is yet not certain if big African states and those still close to their colonial masters like French-Africa will willingly submit their sovereignties to the transnational state superstructure or what the response of foreign powers like the US, UK and France will be. These are real issues which must be overcome.

7 Conclusion

At the start of this chapter, the idea of a transnational democratic African state was identified as an evolving framework within which Africa's political integration is being projected. From the Pan-African struggles in the 19th century to the formation of the OAU and subsequently the AU, the goal of pursuing a common African destiny has never been more alive. The AU's Agenda 2063 alongside a litany of other policy papers and strategies present a veritable roadmap for not only achieving Africa's integration agenda but also realising its place in the world. The plan for transnational democratic governance in Africa has come a long way, but its immediate and long-term hurdles are still far from being overcome. The AU, as the primary vehicle for accomplishing Africa's unification, for instance, still suffers from three shocking administrative quandaries: It is perpetually dependent on EU funds to finance more than 90 per cent of its annual budget; it is unable to prevent or halt armed conflicts, large scale pandemics and endemic poverty; and, it has been unable to facilitate intra-African trade among its member states for more than two decades since the adoption of the AEC Treaty. Ideally, these inadequacies are antithetical to the vision of Africa's integration and renaissance, and they question the genuineness of AU member states' commitment to the Pan-African project.¹⁴¹

140 OAU Charter, art 2(c); Constitutive Act, art 3(b).

141 Nkrumah (n 33 above) 185.

While Africa's integration undoubtedly holds optimistic promises, these promises cannot be contemplated in abstraction. They must be articulated more pragmatically through the will to act and the determination to domesticate action. African states must make concrete efforts to translate AU decisions into practical results. The political will to further Pan-Africanism is an indispensable necessity at the regional level and the transformation of decisions taken in Addis Ababa to policies at the national level is an absolute imperative. If continental political integration must be achieved, then African leaders and peoples, more than anything, must be at the forefront of its objectives. While Nkrumah had an absolutely incredible idea of the opportunities that continental statehood promises the common African, his non-democratisation of his grand vision and non-involvement of ordinary Africans in its realisation warranted his major setbacks. The AU's echoed commitment to realise total integration through a people-focused and people-driven Agenda 2063 process might well be the game-changer in its gravitation to continental government. Only time will tell what the ultimate results would be!