



PRESS STATEMENT

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MAKING THE AFRICAN UNION MORE PEOPLE-CENTRED DEPENDS ON BOTH THE AU AND THE PEOPLE OF AFRICA

Around the continent, Africans today celebrate “Africa Day”. 25 May marks the day, just over half a century ago, in 1963, on which the African Union (AU)’s predecessor, the Organisation of African Unity (OAU), was formed. Its main initial aim was to eradicate the remaining vestiges of colonialism from Africa. It was, in fact, the OAU that spearheaded continental and global campaigns for the liberation of South Africa from apartheid. After the advent of the AU, around the turn of the millennium, the regional organization increasingly became less preoccupied solely with inter-state relations and took on a more people-centred posture, with its focus shifting to human security, poverty alleviation and economic growth.

This year, celebrations of this day have more significance for South Africa than in previous years.

For one thing, they come in the wake of the xenophobic violence targeting in particular non-South African Africans (NSAAs). One antidote to xenophobia against NSAAs is to advance a narrative of our historical dependence, our shared cultural heritage, and our interrelated and closely convergent economic interests. Africa Day presents an opportunity to highlight our solidarity with the rest of the continent, to affirm the importance of an inclusive African identity, allowing us to put into a broader perspective recent assertions of a more narrow black South African nationalism.

For another, these celebrations take place as South Africa prepares to host, for the second time since its entry into the OAU fold in 1994, the bi-annual meeting of the AU. This event provides an opportunity to educate South Africans more about the AU and its functions. For example, we would be able to take note that this event is in fact a series of meetings of the three organs working in synergy: the Permanent Representatives Committee (the ambassadors of member states to the AU); the Executive Council (the ministers of foreign affairs of member states) and the Assembly of Heads of State and Government. No doubt, the meeting will see the pomp and circumstance of arriving heads of state, and the fanfare of the openings ceremony, as well as stirring declamations and declarations. Cynics will warn that we should not



have higher expectations as a possible outcome than the addition of numerous decisions and declarations to the long list of largely unimplemented decisions and resolutions.

As rotating AU Chairperson, Zimbabwean President Mugabe will preside over the Assembly meeting. His presence will remind us of the AU's uneasy relationship with incumbency. As much as great advances have been made on the road to multi-party democratic elections, to the extent that numerous democratic tenets have been codified in a treaty (African Charter on Democracy, Elections and Governance), challenges remain. Primary among these is the failure of the AU to come to terms with the syndrome of the Big-Man-endowed-with-historical-legitimacy. None of the AU standards unequivocally requires the principle of rotation (in the French, "*alternance*"), or set a limit to the head of the executive holding only two fixed terms. In addition to Mugabe (in power for some 35 years, since 1980), the faces of Ali Bongo (in power since 2009, replacing his father Omar Bongo, who was President of Gabon from 1967 to 2009), Paul Biya (Cameroon, in power since 1982, thus, for some 33 years) and Obiang Nguema (President of Equatorial Guinea since 1979, thus, for 36 years) are likely to act as stark reminders of the continuous presence of the "old guard". The recent attempted coup against the incumbent in Burundi, on the basis of disregarding the *alternance* principle, underlines how uncomfortably the lack of fixed terms sits with the AU's principled position against unconstitutional changes of government. Is it expecting too much of our leaders to reflect critically, at the upcoming meeting, about the cost of prolonged incumbency, and to move decisively to adopt a principled position in favour of limited fixed terms for African leaders?

When these leaders depart, and AU Commission Chairperson Dr Nkosazana Dlamini-Zuma and her officials return to Addis Ababa, the seat of the AU, President Zuma would in all likelihood have been voted the new Chair of the AU to preside over the organisation for one year. In addition, one major AU institution will remain in South Africa: the Pan African Parliament (PAP), based in Midrand. It will surprise most South Africans to learn that the around 235 PAP MPs (5 sitting MPs from each of the 47 AU states that have become part of the PAP) have been meeting annually since 2004. Precious little of its activities has made it into mainstream South African (and even more broadly African) media. Let us ask: How many news agencies take any notice, or have a regular presence during its sessions? One may be forgiven to wonder what its impact has been. To some extent, the PAP is responsible for this lack of exposure. Even if it is at present primarily a "talk shop", in that it cannot adopt binding legislation, it can at least be a talk shop that matters, for example by discussing contentious issues and forging means of public accountability of political leaders and AU office bearers. Recent experience in the South African Parliament shows that the simple act of posing questions can bring issues into public prominence.

Other AU institutions have been established, such as the African Court on Human and Peoples' Rights, with eleven Judges meeting from time to time in Arusha, Tanzania. Some media attention and political grandstanding has taken place around the adoption of an amended version of this court (the African Court of Justice and Human and Peoples' Rights), comprising also a section tasked with prosecuting international crimes in Africa. In three significant decisions, the existing Court has shown signs of its potential to contribute to advancing human rights on the continent. It found Tanzania's failure to allow independent candidates to run for elected office to violate the African Charter on Human and Peoples' Rights. It declared Burkina Faso in violation of the Charter for failing to diligently investigate the death of a journalist who was investigating government corruption; and for having a law in place that allow prison sentences for journalists who are convicted of defamation. Although state parties undertake to comply with these decisions, it remains to be seen to what extent states in fact give effect to these decisions.

South Africa is part of half of the AU membership that has accepted the African Court's jurisdiction. Unfortunately, countries where human rights violations are most pronounced, such as Eritrea, Sudan and Zimbabwe, have not accepted the Court's jurisdiction. However, aggrieved individuals can only approach the Court directly if a state has made a specific declaration to that effect. (In other states accepting the Court's jurisdiction, such individuals first have to submit cases to the quasi-judicial African Commission on Human and Peoples' Rights.) So far, only seven states have made such a declaration. South Africa is not among the seven. The run-up to AU meeting provides a golden opportunity to our executive's attention on the issue of accessing the African Court directly. While South Africa accepts the Court's jurisdiction, it has not allowed individuals to directly access the African Court. By accepting direct individual access to the Court, South Africa would give further teeth to our fledgling participatory democracy, and feed into the AU's drive and promise to become more people-centred.

South Africans should celebrate Africa Day by critically considering their own relationships with Africa, and other Africans. Beyond this day, we should demand that the AU and its institutions be made increasingly relevant to our lives. We should insist that our government enable us to submit cases directly to the Court. We should take a greater interest in the AU and its institutions, in particular the PAP, which is located in our country. Making the AU more responsive to ordinary Africans depends not only on the right AU policies, but also on the attitudes and actions of the people of Africa, including all South Africans.

The AU should also take substantive action to make the organisation more people-centred. It could at the upcoming session for example express its concern about the alarming increase in laws and practices restricting the space within which civil society operates. It seems inconsistent for the AU to proclaim its closer linkage to and dependence on the 'people', while at the same time diminishing their role in society.

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