Introduction to Symposium: AU@20: Looking Back and Thinking Forward on the Impact of the African Union on Deepening Continental Integration in Africa

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The establishment of the African Union (AU) twenty years ago was indeed a turning point in the political history of regionalism on the continent. It represented a strong statement by African leaders and a message to Africans and the global community to commit to a continental plan that will guide Africa to the 'promised land' of unity. In his speech at the launch of the AU on 9 July

2002 in Durban, South Africa, the then South African president, Thabo Mbeki, expressed the twin tasks of the new union in the following words:

The first task is to achieve unity, solidarity, cohesion, cooperation among peoples of Africa and African states. We must build all the institutions necessary to deepen political, economic and social integration of the African continent. We must deepen the culture of collective action in Africa and in our relations with the rest of the world. *Our second task* is that of developing new forms of partnerships at all levels and segments of our societies, between segments of our societies and our governments and between our governments. We must mobilize all segments of civil society, including women, youth, labour and the private sector to act together to maximise our impact and change our continent for the better.

These twin tasks summed up the objectives and principles of the AU as reflected in its primary document, the AU Constitutive Act, and the raft of normative and policy documents that constitute the *Grundnorm* of the organisation. In assessing the AU, many scholars have over the years drawn on these principles, actual and aspirational, to determine whether the organisation is serving its purpose. Indeed, the AU has commited itself to the commendable principles of human rights, gender equality, economic development, common position on issues and youth development, to mention but a few. In addition to these, institutions such as the Pan-African Parliament (PAP), the African Court on Human and Peoples' Rights (AfCtHPR), the African Peer Review Mechanism (APRM), the Peace and Security Council (PSC), the African Commission on Human and Peoples' Rights (AfCHPR), the AU Development Agency – New Partnership on Africa's Development (AUDA-NEPAD), the AU Commission, and the AU Economic, Social & Cultural Council (ECOSOCC) have been established to ensure the implementation of these objectives.

There have been many challenges in its twenty years of existence. Member states have been reluctant to transfer meaningful powers to the organisation. Additionally, member states continue to routinely disregard the AU's objectives on good governance, adherence to human rights and transparent elections. Also, the AU remains dependent on external funding for its institutional activities. These issues led to the ongoing reform efforts of the AU. While some successes have been recorded through reforms, issues such as the

transference of meaningful competence to AU organs, self-financing, and adherence to institutional norms still require attention.

It is against this background that the AU@20 Symposium was conceptualised. The idea was to provide a platform to facilitate an opportunity for critical reflection, on its twentieth anniversity in July 2022, on how far the organisation has come in terms of fulfilling its many objectives. To this purpose, we have invited a team of academic and policy experts to engage in a politico-legal evaluation of the organisation, with the objective of dissecting the problems affecting it, the progress made thus far, and what the future holds in terms of expanding continental integration. The contributions provide critical perspectives on issues ranging from the AU's quest for common position on issues, self-financing objectives, migration issues, the AU's right to intervention under Article 4(h), civil society participation in AU affairs, national elections, public health management, AU engagement with external parties, gender equality, and the legal order of the AU.

Faith Mabera engages in a general overview of the extent to which the AU has delivered on its broad mandate of developing the continent. She paints a picture of both successes and failures of the AU in this regard. Ultimately, she proposes that the AU should strike a balance between its partnerships with external actors and its collective bargaining positions. **Faten Aggad** puts the concept of the AU's 'one voice' on all issues affecting the continent in historical perspective. She argues for a recalibration of policy approach to international coordination and common position in two key areas: the AfCFTA's industrialisation and trade goals and the AU's peace and security architecture.

Femi Amao asserts that, although the AU is faced with many challenges, it has succeeded in establishing a new and significant legal order in Africa. **Ueli Staeger** provides a critical reflection on the dynamics shaping the AU's approach to self-financing its objectives. He concludes that a sustainable funding path should be embedded in the broader political economy of Africa and the world. **Dire Tladi** briefly engages with the debate on Article 4(h) in the AU Constitutive Act. He highlights that the inclusion of Article 4(h) in the AU Constitutive Act has had the effect of bringing back into focus an important issue in international law: the tension between, on the one hand, the peremptory rule of international law prohibiting the use of force and, on the

other, the normative imperative of protecting people from atrocities perpetrated by their own governments. Focusing on the AU Economic, Social & Cultural Council, T**ariro Sekeramayi** notes that the organ remains incapacitated by the lack of meaningful efforts to empower it. In order to redress this, she proposes the need to reform the organ's accreditation process to enable broader participation of other civil society actors across the continent. **Udoka Ndidiamaka Owie** observes that, despite AU's many challenges, the Africa Centre for Disease Control's commendable management of and response to the ongoing COVID-19 pandemic demonstrate the importance of agency, agenda-setting and strategic leadership in driving continental norms and development.

Ashwanee Budoo-Scholtz demonstrates that in the last twenty years the AU's legal framework on women's rights has expanded in leaps and bounds. However, she argues that for a better realisation of these rights, the AU should develop, monitor and implement norms that relate to women's rights, encourage the ratification of instruments on women's rights, and strengthen the Women, Gender and Youth Directorate. **Bonolo Makgale** assesses the AU's role in the face of election-related violence (ERV) across the continent. Using Kenya and Zimbabwe as case studies, she proposes that relevant AU organs work in a synchronised manner, using proactive rather than reactive methods, to counter ERV. **Aderomola Adeola** critically discusses the AU Protocol on Free Movement of Persons in Africa. She notes that the implementation of free movement will require significant investment in knowledge on counter-balancing evident challenges across socio-political and economic rhetoric on the value of free movement of persons in Africa. **Masalu Masanja** argues that existing AU migration policy frameworks lack the ability to address migration issues on the continent in a meaningful way. To remedy this, he proposes that the AU adopt lessons on best practices from the United Nation's Global Compact for Safe, Orderly, and Regular Migration (GCM).

Lastly, **Phila**ni Mthembu stresses that the AU must leverage external relations and partnerships to advance its overriding goal of continental integration. In this respect, he proposes that large economies on the continent take on greater responsibility in organising Africa's relations in a changing geopolitical and geo-economic landscape. It is hoped that these contributions will set the tone for further conversation on enhancing continental integration and development in

Africa. Happy Anniversary!

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