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Summary of the Book:

Africa is currently experiencing one of the most critical phases of its integrative development. Since 2015, there have been increasing efforts to develop policies and practices that grant the AU broader powers to coordinate and create binding rules regarding the regional integration process. This has included the decision to finance the AU through a 0.2% tax on eligible imports into member states; the decision to reduce the number of AU Commission portfolios from eight to six; the adoption and entry into force of the much touted Agreement establishing the African Continental Free Trade Area; the adoption of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right to Residence and Right of Establishment; and the adoption of the AU Agenda 2063 policy framework in 2015. These processes seek to endow the AU with supranational powers like those exercised by the European Union, which, despite its internal problems, remains the most successful experiment in supranationalism in the world. This book explores innovative and context-driven political and legal policy measures designed to expand the powers of the African Union (AU) in order to meaningfully drive the continental integration process. In this regard, the book addresses issues of context, political will, and innovative and inclusive approaches as essential elements that must be considered. How these processes will change the direction of regional integration in Africa, the book argues, largely depends on the existence of quality-driven institutions.

Summary of Presentation/Discussion:

The discussion will explore the following issues:

- The rationale behind the writing of the book

- The interplay of law and politics in continental integration, and how this has shaped efforts to endow the African Union (AU) and its processes with supranational powers
- The challenges and success thus far of enhancing the powers of the AU
- The need to prioritise context in the process of endowing the AU with supranational powers
- Issues for further research in the field

Book Extract:

How Supranational is the AU?

As indicated in the previous chapter, supranationalism entails the existence of an organisation that operates above the framework of nation states. While international relations is essentially state-centric, the concept of supranationalism seeks to craft the ideology of resolving common and related problems through neutral and technocratic institutions. The corollary of this is the existence of an insulated decision-making body which takes binding decisions and responsible for the supervision and implementation of such decisions. Considering the primacy of nation states in global realpolitik, the architecture of supranationalism includes states as privileged players in the integration process.¹

At the heart of the assessment of the supranational status of the AU are two narratives. The first speaks to the Eurocentric worldview of regionalism, and how it continues to shape the theories and praxis of assessment. As shown in chapter 2, the theoretical discourse of supranationalism is tied to post-second World War political development in Europe, and how this underlined the establishment of transnational institutions in Europe. As many regional institutions in Africa, Latin America and Asia have adopted the institutional and procedural format, mainly in form but not necessarily in substance, of the EU, this narrative thus suggests that the assessment of their development should mirror a Eurocentric neo-liberal perspective of regionalism.² The second is the narrative that emphasises context. As Dirar noted,

¹ Weiler (1999), p. 273.

² Dirar (2014), p. 157. See also Silva (2017), p. 414. Fagbayibo (2013), p. 70.

*classical theories of integration seem to lack the capacity to fully explicate African integration schemes, either due to lack of empirical data in the African context or due to the fact that they were developed in relation to integration schemes of developed north.*³

Similarly, Agyeman argued that the homogeneity of institutional and industrial development is a key feature of European integrative arrangement, a factor that is absent in the African situation.⁴ As shown in the previous chapter, the notion of context also encompasses the idea of developing and measuring African integration schemes against Afrocentric values and norms. The emphasis on context thus paves the way for two possible kinds of assessment. The first is an assessment solely based on traditional pan-African mechanics, completely excluding any traces of Eurocentric conceptual tools. This approach is what Taiwo referred to as “occident anxiety”:

Occident anxiety is what leads us always to think that if we cannot show that it is “homegrown”, it cannot be authentic – as if being authentic is a synonym for being right or effective. African intellectuals think that authenticity must mean defining themselves against the West. Whatever it is they take the West to be, Africa must be the opposite or, minimally, unlike it.⁵

As such, the problem with this kind of assessment is that it ignores the confluence of thoughts and the possibility of learning and adapting ideas for optimal and beneficial solutions.

The second, which is a more pragmatic and feasible path, suggests the imperative of strategic adaptation of assessment tools. In other words, while the intellectual contributions and usefulness of the European basis of regional integration are acknowledged, it seeks to expand the focus of assessment by centring pan-African realities. For example, Tiekou noted that a contextual assessment of AU’s supranational drive should consider the critical role of non-governmental actors in influencing decisions through consultancy services, advocacy and access to decision-makers.⁶ In addition, the role of AU technocrats as active political players rather than mere

³ Dirar (2014), p. 157.

⁴ Agyemen (1990), p. 8.

⁵ Taiwo (2019).

⁶ Tiekou (2017), p. 228.

international bureaucrats should also be factored into the assessment.⁷ Similar to Tieku's proposition, it has also been suggested that factors such as the level of participation of Africans in the integration process through civil society, teaching of integration in African schools, and an intensive skills development programme for regionalism should form part of the assessment.⁸ Gathii noted that a better way of understanding regional integration arrangements, particularly regional trade agreements, in Africa is through the prism of flexibility.⁹ He argued that African governments prefer "flexible regimes of cooperation as opposed to containing rules requiring scrupulous and rigorous adherence".¹⁰ Furthermore, Schoeman propositioned that the assessment of regionalism in Africa should go beyond the quantity-oriented (increased volume of intra-community trade) by focusing on the quality based (the quality of collective bargaining and common position in the international area) aspects of integration.¹¹

Based on the foregoing, the next question is what should form the paradigms of assessing the supranational status of the AU? While it is important to engage in a broader and contextual assessment, it is equally important to test the AU against the stated objectives and processes. In other words, the necessary departure point should be the link between its institutional set-up and how this has translated (or should have translated) into the goal of exercising meaningful and binding powers over its member states. Through such assessment, not only will the shortcomings become more apparent, but it can also pave the way for forging a context-driven way forward. In this respect, three measurable assessment paradigms are necessary: intention, action and outcomes.

⁷ *Ibid.*

⁸ *Fagbayibo (2013), pp. 65-68.*

⁹ *Gathii (2009).*

¹⁰ *Ibid, p. 573.*

¹¹ *Schoeman (2002), pp. 13-14.*