Julia Verena Klein

The English School Meets Africa:

The African Regional International Society on Its Way to Solidarism?

Schriftliche Arbeit zur Erlangung des Akademischen Grades "Magister Artium"
an der Wirtschafts- und Sozialwissenschaftlichen Fakultät
der Eberhard Karls Universität Tübingen

vorgelegt bei:

Prof. Dr. Thomas Diez
(Erstgutachter)

Dr. Thomas Nielebock
(Zweitgutachter)

Tübingen, 15.04.2014

Zusammenfassung

Diese Magisterarbeit überträgt die aus der Englischen Schule der Internationalen Beziehungen stammenden Konzepte des Pluralismus und Solidarismus auf die afrikanische regionale internationale Gesellschaft. An Barry Buzan anknüpfend wird dabei davon ausgegangen, dass Pluralismus und Solidarismus sich primär durch die Art und Anzahl der geteilten Werte unterscheiden und ineinander übergehende Positionen auf einem Spektrum darstellen. Je höher die Anzahl der sich auf Kooperation und Konvergenz beziehenden gemeinsamen Werte einer Gruppe von Staaten ist, als umso solidaristischer ist diese anzusehen. Werden hingegen nur wenige Werte geteilt und beziehen sich diese eher auf die Bewahrung der einzelstaatlichen Souveränität, so ist von Pluralismus zu sprechen. Weiterhin wird in der Arbeit das Konzept der internationalen Gesellschaft angewendet und gezeigt, dass in Afrika seit der Gründungszeit der Organisation für Afrikanische Einheit eine regionale internationale Gesellschaft existiert, die heutzutage deckungsgleich mit der Afrikanischen Union ist. Der Kern der Arbeit bezieht sich auf die Frage, ob diese zunächst pluralistische afrikanische regionale internationale Gesellschaft, die nur wenige gemeinsame Werte verfolgte, aufgrund von Veränderungen in den letzten Jahrzehnten nunmehr im solidaristischen Teil des Spektrums nach Buzan zu verorten ist. Zur Beantwortung dieser Frage werden die Veränderungen untersucht, die in den Bereichen (1) „Menschenrechte“, (2) „Interventionsrecht in die Mitgliedsstaaten“ und (3) „wirtschaftliche Kooperation und Integration“ stattgefunden haben. Als Ergebnis zeigt sich, dass die afrikanische regionale internationale Gesellschaft vor allem in den Bereichen der wirtschaftlichen Kooperation und Integration und der Menschenrechte aufgrund der Verfolgung gemeinsamer Werte Veränderungen in Richtung Solidarismus verzeichnet. Gleichzeitig jedoch nehmen auch Staatssouveränität und Interventionsverbot und somit pluralistische Prinzipien immer noch Schlüsselpositionen in dieser internationalen Gesellschaft ein. Da jedoch verschiedene Entwicklungen innerhalb Afrikas darauf hindeuten, dass Staatssouveränität nicht mehr als absolut angesehen wird und da Staaten in einzelnen Bereichen inzwischen eine Einmischung in ihre inneren Angelegenheiten zulassen, kommt die Arbeit zu dem Ergebnis, dass innerhalb der heutigen afrikanischen regionalen internationalen Gesellschaft die solidaristischen Elemente leicht überwiegen. Die afrikanische regionale internationale Gesellschaft ist deshalb im solidaristischen Bereich des Pluralismus-Solidarismus Spektrums zu verorten.

Contents

Figures and Tables

List of Abbreviations

AChHPR	African Charter on Human and Peoples' Rights
AComHPR	African Commission on Human and Peoples' Rights
ACouHPR	African Court on Human and Peoples' Rights
AEC	African Economic Community
AMIS	African Union Mission in Sudan
AMU	Arab Maghreb Union
APRM	African Peer Review Mechanism
ARIS	African regional international society
Art.	Article
AU	African Union
CEN-SAD	Community of Sahel-Saharan States
COMAI	Conference of Ministers in Charge of Integration
COMESA	Common Market for Eastern and Southern Africa
CRC	United Nations Convention on the Rights of the Child
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ed.	editor
eds.	editors
EU	European Union
FTA	free-trade area

GDP	gross domestic product
IGAD	Intergovernmental Authority on Development
JEM	African-Sudanese Justice and Equality Movement
MDC	Movement for Democratic Change
MIP	Minimum Integration Programme
n.d.	no date
NATO	North Atlantic Treaty Organization
NEPAD	New Partnership for Africa's Development
NGO	non-governmental organisation
OAU	Organization of African Unity
para.	paragraph
R2P	Responsibility to Protect
REC	regional economic community
SADC	Southern African Development Community
SLA	Sudanese Liberation Army
UN	United Nations
UNAMID	United Nations-African Union Hybrid Mission in Darfur

1. Introduction

It was in 1961 that Kwame Nkrumah, Ghana's first president and thus the first leader of an African country which has gained independence from colonial rule, wrote in his book *I Speak of Freedom: a Statement of African Ideology*:

> *It is clear that we must find an African solution to our problems, and that this can only be found in African unity. […]Individually, the independent states of Africa, some of them potentially rich, others poor, can do little for their people. Together, by mutual help, they can achieve much.*
>
> (Nkrumah, 1961: xii - xiii)

More than 50 years have passed since Nkrumah has written these words. In the meantime, Africa has proceeded towards unification, namely by creating the Organization of African Unity (OAU), Africa's first continental organization which has emerged in 1963 and by replacing the OAU with a new continental organisation, the African Union (AU) in 2002. Nevertheless, in 2012 Tim Murithi described the role of the AU with the following words:

> *[…] [T]he African Union remains, at its core, a disparate collection of nation states that recognizes the value of collective action and solidarity on a range of regional and international issues. […] The AU has emerged as a home-grown initiative to take the destiny of the continent into the hands of the African people. However, there is a long way to go before the AU's role as a norm entrepreneur is actualized and its vision and mission realized.*
>
> (Murithi, 2012: 668 – 669)

Even though Nkrumah's idea of a united African continent has thus come true since continental organisations have been created, this quote by Tim Murithi suggests that today, African states still only pursue few goals '[t]ogether, by mutual help'(Nkrumah, 1961: xiii) and prefer to tackle issues 'individually'.

Does this mean that not much has changed in Africa since the 1960s? Are African states hardly cooperating more in the pursuit of joint goals than they did 50 years ago?

In this thesis, I will show that Africa has come a long way since its first attempts to pursue African unity and is much closer to Nkrumah's vision nowadays than it was in the 1960s. In particular, I will demonstrate that even though African states have not completely implemented all of their ambitious projects, they have nevertheless started to cooperate on a number of issues in the pursuit of common values. In order to do so, I will analyse Africa through the lens of the English School of international relations.

The English School is based on the idea that groups of states form international societies which 'conscious of certain common interests and common values […] conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions' (Bull, 2002: 13). In recent years, the concept of international societies has been expanded to encompass not only groups of states on a global, but also on a sub-global level, namely regional international societies (Buzan, 2004: 208-209; Stivachtis, 2013; Costa Buranelli, 2013). I will argue that an African regional international society (ARIS) exists in Africa since the time of the OAU's creation. Whereas in the beginning, this ARIS has been characterised by only minimal cooperation in the pursuit of joint values and has been mainly built around the sacrosanct role of state sovereignty and the principle of non-interference, the ARIS' character might have changed in the course of the last decades. From the 1970s onwards, African states have created and adopted treaties which aim at cooperation in a variety of areas, in particular in the fields of human rights and economic cooperation and integration. As far as human rights are concerned, the adoption of the African Charter on Human and Peoples' Rights (AChHPR) with its review and enforcement mechanism, the African Commission on Human and Peoples' Rights (AComHPR) and the establishment of the African Court on Human and Peoples' Rights (ACouHPR) indicate that changes might have occurred in Africa. In the economic sector, the adoption of the 1991 Treaty Establishing the African Economic Community which ultimately aims at creating an African-wide free trade area (FTA) and customs union with a common currency might mark a step towards the African states' enhanced economic cooperation. These changes in the ARIS might have been manifested and accelerated by the adoption of the Constitutive Act of the African Union (hereinafter: AU Constitutive Act) and the subsequent establishment of the AU: The pursuit of economic cooperation and the furthering of human rights are codified within the goals and principles contained in the

AU Constitutive Act and might thus reflect the African states' growing commitment to these ideas. Moreover, the AU Constitutive Act contains Art. 4(h) which allows the intervention into AU member states without the states' prior consent. Nevertheless, the AU simultaneously adopted Art 4(g) AU Constitutive Act which contains the principle of '[n]on-interference by any Member State in the internal affairs of another' and Art. 3(b) AU Constitutive Act which contains the goal of defending 'the sovereignty, territorial integrity and independence' of the AU member states. These provisions seem to conflict with the right of intervention contained in Art. 4(h) AU Constitutive Act.

I will analyse what these changes and seemingly contradictory developments mean for the character of the ARIS by using the English School's concepts of pluralism and solidarism as defined by Barry Buzan. He positions pluralism and solidarism on a spectrum and purports that movement between the rather pluralist and the rather solidarist side of the spectrum is possible. International societies on the pluralist side of the spectrum are characterised by the pivotal importance of sovereignty and non-intervention. States will cooperate only minimally and the values that are shared will mostly pertain to coexistence and the preservation of each states' sovereignty. Within solidarist international societies, however, states will cooperate in more projects and will pursue a greater number of values pertaining to cooperation and convergence.

Applying the concepts of pluralism and solidarism will allow me to better understand the changes which have taken place in the ARIS. In the course of my thesis, I will thus answer the following research question:

Have developments in the last decades shaped and changed the African regional international society in a way that today, it can be positioned on the rather solidarist side of the pluralist-solidarist spectrum?

I base my analysis on the *hypothesis* that while the ARIS started off as a pluralist international society characterised by the states' mere coexistence, developments which have started in the 1970s and which have been manifested and at the same time accelerated by the adoption of the AU Constitutive Act and the creation of the AU have changed the character of the ARIS as a whole so that today's ARIS can be categorised on the rather solidarist side of a spectrum ranging from pluralism to solidarism.

In order to answer my research question and to test my hypothesis, I will choose several issue areas in which according to the treaties which have been adopted and the literature I reviewed solidarist developments in the sense of the pursuit of values pertaining to cooperation and convergence might have taken place. I will namely analyse solidarist developments in the issue areas of (1) human rights, (2) the right to intervene in the internal affairs of AU member states and (3) economic integration and cooperation. Based on the analysis of the changes which have taken place in these issue areas, I will then categorise the ARIS as a whole on a spectrum from pluralism to solidarism in order to see if today's ARIS is indeed rather solidarist as my hypothesis suggests.

In order to see if new values have emerged and are pursued within ARIS, I will for the most part rely on the on the existence of treaties and other instruments and on the African states' formal acceptance of and compliance with these written commitments. I argue that within the ARIS, legal developments have been the fuel and the indicator for progress towards the pursuit of more values and I will analyse if the emergence of new treaties has been accompanied and followed by changes in the states' behaviour. This approach is in conformity with the English School theory which has always attached great importance to the role of international law. According to Alan James, international law 'stands at the very centre of the international society's normative framework' (James, 1973: 68) and 'social change often necessitates the creation or amendment of legal rules' (James, 1973: 73). Nevertheless, I will show that English School scholars have largely ignored the question how international law and the pursuit of values are connected and have instead quickly assumed that as international law is 'observed to a sufficient degree' it is 'a substantial factor at work in international politics' (Bull, 2002: 131; see also: James, 1973: 68). I will argue that this point of view is too simplistic and will instead introduce the concepts of compliance and implementation in order to analyse if legal commitments really translate into the pursuit of common values in the ARIS.

Moreover, analysing the ARIS with the concepts of pluralism and solidarism will, quasi as a by-product, allow me to see if the concepts of solidarism and pluralism as defined by Buzan are useful tools for case studies. As the AU and Africa have not frequently been studied by English School scholars, this thesis will also be a test of the English School's capability to grasp developments outside of the Western world.

My thesis will be structured as follows: Firstly, I will outline the state of the art concerning studies on developments in Africa regarding the states' pursuit of common goals and values and I will show where my study can be positioned within this area of research. I will then provide the reader with the theoretical background and definitions which I will base my analysis on and outline my methodological approach. In order to put the developments which have occurred in Africa into context, I will then outline the ARIS' history with a focus on the times of the OAU and the developments leading to the emergence of the AU and I will define the ARIS' scope. This presentation will be followed by the analytical part of my thesis in which I will firstly analyse to what extent solidarist developments have taken place in the issue areas of human rights, intervention and economic cooperation and integration and then, based on my previous findings, position the ARIS within a spectrum ranging from pluralism to solidarism. Finally, I will summarise my findings in the concluding section. In this section, I will also elaborate on problems and difficulties which I faced while analysing the ARIS with the concepts of pluralism and solidarism and I will suggest possible areas for future research.

2. Background

This chapter aims at providing background on the issues that will be discussed in the analytical part of my thesis. I will firstly position my thesis within the larger research field concerning developments within the AU. Moreover, I will define and elaborate on some of the theoretical concepts which I will use, namely (regional) international societies, pluralism and solidarism, values, institutions and compliance and implementation. Lastly, I will introduce the methods which I will apply in the main part of this thesis.

2.1 State of the Art

A great part of the literature on changes which have taken place within Africa focuses on the creation of the AU as a 'watershed moment' (Isanga, 2013: 269) in recent African history. The AU Constitutive Act is generally perceived as 'a complete upheaval' in contrast to the OAU Charter which had until then provided a framework for the African states' unification (Doumbé-Billé, 2012: 70; see also: Maluwa, 2003: 163 – 164; Sturman, 2007: 6). The scholars' perception of the changes which the creation of the AU has entailed is yet rather negative. Tim Murithi argues that 'there is a long way to go before the AU's role as a norm entrepreneur is actualized and its vision and mission realized' (Murithi, 2012: 669). Kwesi Aning and Samuel Atuobi claim that the 'lack of political will, capacity and the weak bindingness of its norms and principles amongst Member States' are central characteristics of the AU (Aning/ Atuobi, 2009: 113).

Many of the texts focusing on African developments in the context of the creation of the AU put a focus on the right to intervention which has been included in Art. 4(h) AU Constitutive Act. This provision is praised as 'at least on paper […] the closest institutional embodiment of the R2P's three pillar structure currently in existence' (Williams, 2009: 400; see also: Dersso, 2013: 244). Some authors also state that the AU's subsequent practice in implementing these norms by means of adopting decisions and protocols shows clear commitment to the principle of Responsibility to Protect (R2P) (Mwanasali, 2010: 395; Aning/ Atuobi, 2009: 94) and Musifiky Mwanasali even purports that the 'United Nations still have to show a similar commitment' (Mwanasali, 2010:

395). Other scholars, however, criticise that the AU 'has been ineffective in implementing forceful intervention' in accordance with Article 4(h) of the AU Constitutive Act and 'has been reluctant to undertake or even endorse forceful intervention, even where it has been necessary' or where peaceful intervention has been 'manifestly inappropriate and inadequate' (Kabau, 2012: 59 – 61). In particular, the fact that the AU has not intervened under Art. 4(h) AU Constitutive Act during the Darfur conflict in Sudan showed according to Aning and Atuobi and Mwanasali that the AU lacks clear commitment to implement this provision (Aning/ Atuobi, 2009: 92; Mwanasali, 2010: 399 – 400). A further point of criticism is the contradiction between Art. 4(g) AU Constitutive Act which contains the principle of 'non-interference by any Member State in the internal affairs of another' and Art. 4(h) AU Constitutive Act which states that the Union has a right 'to intervene in a Member State'. It is purported that 'Art. 4(g) effectively nullifies Art. 4(h)' of the AU Constitutive Act, thus perpetuating 'the old habits, the old fears and the old traits since the 1960s' (Adejo, 2001: 136; see also: Kabau, 2012: 76).

Another area which literature on changes in Africa focuses on concerns human rights. Even though the AU Constitutive Act which contains objectives promoting human rights is considered a 'seismic shift' in comparison to the OAU days, (Sceats, 2009: 3; see also: Isanga, 2013: 269) it is acknowledged that human rights have already started to play a role within African politics before the AU's emergence. Particular importance within the African human rights framework which has emerged in the course of the last decades is attributed to the AChHPR, adopted in 1981. Even though several shortcomings and challenges of the AChHPR are criticised, it is regarded as 'a major step on the right direction' (Hansungule, 2012: 453; see also: Samb, 2009: 74).

Nevertheless, the majority of literature reviewed claims that human rights still do not play an important role in today's AU. It is argued that despite the AU's attempts to broaden the human rights framework, 'the main ineffectual features of the existing system [were left] intact' (Viljoen, 2011: 209 – 210; see also: Isanga, 2013: 269). Moreover, George William purports that African states still violate human rights on a large scale and thus show their lack of support for these rights (Mugwanya, 2001: 268).

As far as review and enforcement mechanisms for human rights are concerned, the literature focuses on the AComHPR which has been established by the AChHPR, and the

ACouHPR which began its work in 2006. Although Frans Viljoen states that the AComHPR 'has clearly been designed to accomplish very little' (Viljoen, 2012: 293), its general performance is assessed positively: It is perceived 'as a relatively credible and progressive human rights body' (Viljoen, 2011: 200) and advancement within the African human rights framework is put to the credit of the AComHPR (Odinkalu, 2013: 868). The ACouHPR is perceived as 'a step forward in the promotion and protection of human and peoples' rights in Africa' (Mangu, 2005: 404; see also: Viljoen, 2011: 207). Yet Viljoen criticises that the Protocol establishing the ACouHPR has not yet been ratified by the majority of African countries and that individuals and NGOs do not automatically have access to the ACouHPR (Viljoen, 2012: 208).

Regarding the topic of African economic cooperation and integration which has been shaped by the adoption of the Treaty Establishing the African Economic Community (Abuja Treaty) in 1991, opinions diverge: There are those who consider the goal of establishing an African Economic Community (AEC) with a common currency and a continent-wide free-trade area as an 'over-ambitious project' which is unlikely to be realised (Mbenge/ Illy, 2012: 188; see also: Tavares/ Tang, 2011: 229). Makane Moise Mbenge and Ousseni Illy state that the creation of an AEC is currently 'relegated to the bottom of the continental priority list' (Mbenge/ Illy, 2012: 200). Whitney Schneidman, however, purports that while progress towards the implementation of the Abuja Treaty is slow, the creation of the AEC is 'a tangible goal' (Schneidman, 2014). This rather positive evaluation is shared by Mwangi S. Kimenyi and Stephen N. Karingi who state that the adoption of the Abuja Treaty as well as its full embrace through the AU Constitutive Act has accelerated the continent's economic integration (Kimenyi/ Karingi, 2012: 6 -7).

In my thesis, I will build on these studies as I will also analyse developments within Africa which shape today's AU. Yet in contrast to the aforementioned literature, my thesis covers new ground in several regards: Most of the literature reviewed either solely deals with the changes that have been brought about through the creation of the AU and the AU Constitutive Act or only treat developments within one field. I will, however, provide a comprehensive overview of developments which have taken place before as well as after the adoption of the AU Constitutive Act, which contribute to changes within Africa and

which shape today's AU. In addition, many of the studies reviewed rely heavily on the states' legal commitments in the AU Constitutive Act and other treaties as indicators for change within Africa. Instead, I will argue that changes within the legal framework are not significant if they are not accompanied by changes in the behaviour of states and will thus analyse the states' written commitments *and* their subsequent conduct. Moreover, my thesis covers new territory as it is the first attempt to analyse these developments through the lens of the English School. The concepts of international society, pluralism and solidarism will help me to better understand the changes which have occurred within Africa.

2.2 Theoretical Background and Definitions

2.2.1 International Society, World Society, System of States

The English School of international relations is also called the 'international society approach' because of the paramount meaning it ascribes to the concept of international society.

According to Hedley Bull, a '*society of states* (or international society) exists, when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions' (Bull, 2002: 13). Barry Buzan has relabelled international societies as interstate societies but refers to the same definition (Buzan, 2004: xvii).

The term 'international society' needs to be distinguished from two other central concepts of the English School of International Relations which have been coined by Bull as well: The 'system of states' and the 'world society'.

A '*system of states* (or international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave – at least in some measure – as parts of a whole' (Bull, 2002: 9). Hedley Bull sees the existence of an international system as a precondition for the existence of an international society (Bull, 2002: 13). While an international system is formed by a group of independent states held together by a web of economic and strategic

interests as well as pressures which force them to take account of each other, the term international society thus characterizes groups of states which form a conscious contract by instituting rules and mechanisms to make their relations more orderly and predictable and to further certain shared principles and values (Stivachtis/ Webber, 2011: 108). Lately, several English School writers have passed criticism on the system-society distinction. Alan James first did so (Little, 2007: 9) by arguing that it is virtually impossible to think of an international system which does not at the same time possess the characteristics of an international society (James, 1993). Buzan (Buzan, 2004: 98 – 108) similarly criticises this distinction due to the fact that distinguishing between the physical (system) and the social mode of interaction (society) is unnecessary as both largely overlap and 'international society incorporates the whole spectrum of social structures possible between states' (Buzan, 2004: 108).

A *world society*, in contrast, does not merely possess 'a degree of interaction linking all parts of the human community to one another, but a sense of common interest and common values on the basis of which common rules and institutions may be built' (Bull, 2002: 269). The constitutive units of the world society are not states but individuals and it is characterised by the 'emergence of societal links between individuals that transcend the nation state' (Diez/ Bode/ Fernandes da Costa, 2011: 122).

2.2.2 The English School at a Sub-Global Level: Regional International Societies

Classic English School scholars have limited the concepts of international system, international society and world society to the global scale, the only exception being the reference to the originally European International Society which according to Hedley Bull and Adam Watson expanded to a global international society in the course of the past centuries (Bull/ Watson, 1984). This led Buzan to the assessment that the blindness towards the sub-global level has been 'the most damaging legacy that the classical English School writers left to their successors' (Buzan, 2004: 208). The anti-regionalism of classic English School writings has been critically recognized by the scholars of the reconvened English School, arguing that the 'neglect of the regional level of social structure is

unnecessary and unhelpful' and ignored empirical developments, particularly in the EU and the world economy (Buzan 2009: 28).

According to Barry Buzan, a global international society exists within the contemporary international system which is 'thin' in the sense of being pluralistic and heterogeneous. There also exist several 'more thickly developed' 'regional clusters' which build on top of this thin global international society. These regional clusters developed independently from one another and thus to some extent in different ways, while the solidarist elements are developed to a greater degree than on a global level (Buzan, 2004: 208-209; Buzan, 2009: 28). Today, there are thus several sub-global international societies which are 'slowly but inexorably redefining the contours of global international society, speaking the same language but meaning different things' (Costa Buranelli, 2013).

2.2.3 Pluralism and Solidarism

In order to analyse if the African Union is rather solidarist or pluralist in its nature, we need to conceptualise these terms. I have chosen Buzan's understanding of pluralism and solidarism as the basis for my thesis. Nevertheless, Buzan's definitions differ in various aspects from the mainstream English School understanding of these terms. In this chapter, I will thus firstly elaborate on what pluralism and solidarism are commonly understood to encompass within the English School. I will then explain why the 'classic' understanding of these concepts is not useful for my analysis and will outline Buzan's approach to pluralism and solidarism, an approach more suitable for the conduct of my analysis.

The idea of pluralist and solidarist conceptions of international society has first been voiced in 1966 by Hedley Bull in 'The Grotian Conception of International Society'. He defined solidarism as the 'assumption […] of the solidarity, or potential solidarity, of the states comprising international society, with respect to the enforcement of the law'. Opposed to this 'Grotian doctrine' stands what Bull identifies as Oppenheim's approach or pluralism: He defines a pluralist international society as one in which states do not show this kind of solidarity and 'are capable of agreeing only for certain minimum purposes which fall short of the enforcement of the law' (Bull, 1966: 52).

2.2.3.1 The Classic English School Conception of Pluralism

The classic definition of pluralism is not uncontested and differs from author to author. There are, however, some elements that seem to be commonly acknowledged:

Pluralist concepts of international society are based on the assumption that states have different interests and values which they want to preserve and cultivate, for example different perceptions of justice. These different values are not compatible with each other and might come into conflict. A pluralist international society is thus a Westphalian, more or less anarchic, system. This system, however, differs from a classic realist one insofar as the states realize that they are bound by some common rules which regulate their coexistence. The most important of these rules of coexistence are those concerning the acceptance of each state's sovereignty and the rule of non-intervention (Mayall, 2000: 14; Buzan, 2004: 46, 141-142; Bellamy, 2005a: 26). According to Jackson, the paramount importance of state sovereignty for a pluralist international society is based on the fact that it is 'one of the few clusters of important political values – probably […] the only one at the present time – around which the political world can rally and unite: not democracy, not human rights, not the environment, but sovereignty' (Jackson, 2000: 43).

The institutional framework of a pluralist international society is limited as its sole purpose is to ensure the states' relatively harmonic coexistence as a means of maintaining order among them. Within this rather minimalistic institutional framework, states can pursue their diverse goals and develop their own way of life. States accept each other's right to exist while they mutually ensure at the same time that each state faces only minimal outside interference (Mayall, 2000: 14; Dunne, 2008: 274; Linklater, 1998: 59, Bellamy, 2005a: 26). States comply with the institutional framework of such an international society because it is 'relatively cost free but the collective benefits are enormous' (Dunne, 2008: 274). A pluralist international society is composed of states and only states possess rights and duties in international law (Bull, 1966: 68). Individuals only have legal rights insofar as the state provides them. They are only objects and not subjects of international law and no agreement on universal principles of human rights exists (Wheeler, 1992: 467). Another characteristic of a pluralist international society is its static, non-developmental character: The cooperation in an international society is

basically limited to the abovementioned areas and is not bound to evolve (Buzan, 2004: 47; Mayall, 2000: 14).

2.2.3.2 The Classic English School Conception of Solidarism

When trying to define solidarism, the problems are threefold:

Firstly, in recent years the discussion about solidarism has been characterized by a 'somewhat relentless focus on human rights', (Buzan, 2004: 46) in particular the interdependence of universal human rights and the right or duty of states to pursue a humanitarian intervention (Vincent, 1986; Wheeler, 2000). This has hindered the debate from developing its full potential. It is this lopsided tendency which has led Bellamy to assert that in recent English School debates 'solidarism has been taken, almost exclusively, to mean shared agreement about liberal human rights.' (Bellamy, 2005b: 290; see also Buzan, 2004: 142). This, however, complicates my efforts to isolate characteristics of what generally constitutes a solidarist international society.

Secondly, there is a tendency to blur the boundaries between a solidarist international society and a world society as they both see individuals and non-state actors as their ultimate members (Buzan, 2004: 48) and as both are strongly cosmopolitanist in stating 'that humanity is one' (Mayall, 2000: 14).

Thirdly, rather than with pluralism, discussions in the field of solidarism tend to be driven normatively instead of empirically, oftentimes analysing what international society should be like instead of what it is like. A normative focus is not per se illegitimate, but is not what is needed for my present thesis which focuses on analysing what the AU *is* and not *should be* like.

Despite this, some common tendencies can be extracted from the discussions within the English School:

Solidarism is commonly characterised by shared values and institutions, which differ from pluralist ones in content and character (Dunne, 2008: 275). Most importantly, a solidarist international society is held together by its 'purposive content' whereas 'a pluralist society is a purely practical association' (Bellamy, 2005b: 291). Many authors

name the different legal quality given to individuals as one of the major differences between pluralism and solidarism. Individuals are not seen as objects but as subjects of international society and are thus instead of states perceived as its 'ultimate members' with all the corresponding rights and duties (Bull, 1966: 68; Wheeler, 1992: 468). These rights, however, can only be enforced by states (Wheeler, 2000: 11-12). As in a solidarist international society, individuals possess basic rights, this raises the question if and to what extent sovereignty norms need to be modified 'such that there is a duty on the members of international society to intervene forcibly to protect those rights' (Dunne, 2008: 275). Such a responsibility and duty to provide a context in which at least basic human rights can be observed – a 'guardianship of human rights everywhere' (Wheeler, 2000: 11-12) – is seen as a defining feature of a solidarist society of states (Vincent, 1986: 111 – 128).

2.2.3.3 Problems with the Classic Conceptions of Pluralism and Solidarism

As far as the analysis I will conduct is concerned, the abovementioned concepts of pluralism and solidarism are beset by several problems.

Firstly, taking into account my research question if the AU is becoming solidarist, most of these concepts do not take into account or lack clear criteria to distinguish pluralism from solidarism or to tell when pluralism spills over into solidarism. This may 'encourage overgeneralisations' like exalting 'the presumed solidarity of international society at the expense of underplaying deep pluralist principles' (Weinert, 2011: 35).

This leads us to another problem that the classical conceptions of pluralism and solidarism face: they are based on a black-or-white, either-or understanding of pluralism and solidarism which makes it very hard both to catch the nuances of political reality and to analyse a progression. As Matthew Weinert put it: 'Given that much in International Relations arguably falls into the 'grey area' where pluralism and solidarism meld, can we reasonably ascertain that international society as a whole is either pluralist or solidarist?' (Weinert, 2011: 23) In particular when analysing the African Union, a regional international society where elements of pluralism and solidarism seem to be conflicting with each other, only a more differentiated understanding of pluralism and solidarism might be able to grasp and reflect the reality.

Another problem is that English School theory has in great parts been characterised by normative approaches. These are inspired by a political theory understanding of English School and they entail essentially rather philosophical debates than 'discussion[s] about the condition of the real world' (Buzan, 2004: 13). This problem runs through the authors' conceptions of what characterises and distinguishes pluralism and solidarism. My approach is to analyse what the African Union *is* and not *should be* like and I thus need an approach which allows me to make rather structural judgements about the nature of reality.

2.2.3.4 Barry Buzan: Pluralism and Solidarism as Ends of a Spectrum

One approach which offers answers to the challenges I mentioned and which I want to follow in my analysis of the African Union is the one presented by Barry Buzan. In his book *From International to World Society* (Buzan, 2004), he offers a 'rather radical' (Buzan, 2004: 228) re-working of the English School theory, trying to develop a social structural version of this theory. In particular, his 'approach does not have any necessary normative content in the sense of promoting preferred values' and is thus 'not [a] normative theory, but [a] theory about norms' (Buzan, 2004: 14). He also offers clear criteria to distinguish pluralism from solidarism and a means to take into account the nuances between strongly solidarist and strongly pluralist international societies.

Buzan does, however, not stand alone in his attempt to reframe the pluralism-solidarism debate. In more recent English School discussions, concerns have been voiced that in order to continue 'to say useful things about the many other important international issues that shape our world today', the pluralism-solidarism debate needs to be recast. (Bellamy, 2005b: 290) Buzan's approach has also been picked up and developed in a similar fashion by Matthew Weinert (Weinert, 2011) and Mack Clayton (Clayton, 2013).

According to Barry Buzan, pluralism and solidarism are not 'mutually exclusive' concepts but rather 'positions on a spectrum' (Buzan, 2004: 58) between which movement is possible. In Buzan's view, pluralism defines 'thin' international societies with a limited number of shared norms, rules and institutions and which mainly focus on creating a framework for orderly coexistence and competition. The term 'solidarism' on the contrary characterizes 'thick' international societies with a more extensive variety of

shared norms, rules and institutions. In solidarist international societies, rules are not only about ordering coexistence and competition but also about cooperation in order to realize joint gains, the pursuit of shared values or 'management of collective problems in a range of issue-areas' (Buzan, 2004: 59). This understanding of different types of international societies is built on the idea 'that solidarism at least initially builds on pluralism to become pluralism-plus, but can then develop into a variety of thicker versions' (Buzan, 2004: 158).

According to Buzan's understanding of pluralism and solidarism, a departure from pluralism into solidarism takes place if one of the following two criteria which might, but not necessarily have to overlap is fulfilled:

> *(1) States […] abandon the pursuit of difference and exclusivity as their main raison d'être, and cultivate becoming more alike as a conscious goal. One might expect that there would be a correlation, on the one hand, between solidarism and a substantial degree of homogeneity amongst the domestic constitutions of the members, and on the other between diversity in the domestic constitutions of members and pluralism.*
>
> *(2) States […] acknowledge common values among them that go beyond survival and coexistence, and which they agree to pursue by coordinating their policies, undertaking collective action, creating appropriate norms, rules and organisations, and revising the institutions of interstate society.*
>
> (Buzan, 2004: 146 – 147)

Taking the spectrum-approach to pluralism and solidarism however presupposes some changes to the mainstream understanding of solidarism, in particular concerning the role of individuals. According to the common definition of solidarism, individuals and not states are the subjects of international law whereas in a pluralist international society, the contrary is the case. Pluralism and solidarism would thus be incompatible, making it impossible to understand these categories as merging into each other.

Aligning pluralism and solidarism on a spectrum is, however, feasible when we follow Buzan in assuming that individuals are rather objects than independent subjects of international law and that they derive their rights from the state (Buzan, 2004: 48 – 49).

2.2.3.5 Conclusion

The structural approach to the study of the English School offered by Buzan has helped to better define some of its concepts, especially pluralism and solidarism. Buzan offers clear criteria to distinguish pluralism from solidarism which are applicable to all kinds of joint projects between states. This enables us to analyse a wide range of developments in the light of pluralism and solidarism and takes away the focus on humanitarian intervention and human rights. By positioning pluralism and solidarism as positions on a spectrum and accounting for the possibility of movement between these positions, Buzan also offers an adequate framework for analysing international societies which are characterised by the co-existence of rather pluralist and rather solidarist elements.

Innovative as Buzan's approach to pluralism and solidarism is, it does at the same time – implicitly and explicitly – take up central premises of earlier English School scholar's writing. One example is the role that non-intervention and sovereignty of states on the one hand and intervention into other states on the other hand play in distinguishing pluralism from solidarism in their more classic definition. While Buzan does not explicitly refer to this dichotomy, co-existence, which he identifies with rather pluralist international societies, is based on the pivotal role of state sovereignty and the idea that states may do as they please within their borders. Cooperation and convergence in contrast come along with states opening up to outside influences and thus a downgrading of the role accredited to a state's sovereignty within an international society.

Buzan's concept does thus not only offer a clear-cut analytical framework which enables us to analyse a wide range of issue areas (which I will further elaborate on below) but at the same time incorporates central aspects of classic English School definitions of pluralism and solidarism.

2.2.4 Values

The term 'value' is central to the concepts of pluralism and solidarism, in particular in Buzan's understanding, and thus needs to be defined. According to Buzan, values are 'the

moral principles and beliefs or accepted standards of a person or a social group'. Values may include 'principles, norms and rules' with norms representing 'the customary, implicit end of the authoritative social regulation of behaviour, and rules the more specific explicit end' (Buzan, 2004: 164). Following this definition, values can also take the form of international law as according to Hedley Bull, international law is 'a body of rules which binds states and other agents in world politics in their relations with one another' (Bull, 2002: 122). Even though rules do not necessarily have to take the form of international law, in the current international system, a 'major role in the maintenance has been plaid by those rules which have the status of international law' (Bull, 2002: xxxiv).

2.2.5 Primary and Secondary Institutions

Another idea central to the English School's understanding of international relations is the role of primary and secondary institutions. Although my analysis does not revolve around these concepts, they will be referred to in my thesis.

The terms 'primary institutions' and 'secondary institutions' of international society have been coined by Barry Buzan. Primary institutions 'are relatively fundamental and durable practices, that are evolved more than designed' (Buzan, 2004: 167) and which define 'the basic character and the purpose' of an international society (Buzan, 2009: 27). Examples for possible primary institutions are war, international law, non-intervention and diplomacy.

Secondary institutions, in contrast, 'are consciously designed to serve the instrumental purposes of the entities that create them' (Buzan, 2009: 27). This understanding of institutions is based on the common definition of institutions in regime theory. An example for secondary institutions are intergovernmental organisations (Buzan, 2009: 27).

2.2.6 Compliance and Implementation

I will lastly introduce the terms 'compliance' and 'implementation' which are situated on the threshold between international law and international relations. Although these terms are not originating from English School theory, I think that they are a valuable and consequent addition to English School thinking about values.

I will use these terms with regard to the question when values can be considered to be 'held' by states or an international society. This problem has been underdeveloped by English School scholars, in particular with regard to the question when rules of international law are 'held'. According to Buzan, we need to 'rely on sustained behaviour as the indicator that a value is held' (Buzan, 2004: 104). Similarly, Hedley Bull argues that there must be 'some degree of resemblance as between the behaviour prescribed by the rules, and the actual behaviour of states and other actors in international politics' (Bull, 2002: 131). It can thus be concluded that if a value which is codified in the form of (international) law is 'held' depends ultimately on the states' behaviour with regard to this rule. Nevertheless, I argue that classic English School theorists have too quickly assumed that the existence of international law concerning a specific value is tantamount to this value being 'held': According to Bull, '[t]here is no doubt that there exists a substantial degree of coincidence as between actual international behaviour and the behaviour prescribed by the rules of international law' (Bull, 2002: 131) and Alan James states that 'international law is widely observed' (James, 1973: 68). Bull and James wrote in the 1970s and I argue that since then, international law has developed significantly. More treaties and conventions regulating the states' behaviour regarding more issues have emerged on the global and regional levels and '[i]mproved behavior is far from an instant or even a consistent result of treaty ratification' (Simmons, 2009: 113). I will thus not assume that by ratifying a treaty a state automatically 'holds' this value but will instead need a concept which allows me to analyse when values codified in international law are actually pursued.

To this end, I introduce the concepts of compliance and implementation.

Compliance is defined as 'a state of conformity or identity between an actor's behavior and a specified rule', the term rule encompassing legal as well as non-legal rules (Raustiala/ Slaughter, 2006: 539; see also: Mitchell, 2001: 224). I will, in accordance with

Kal Raustiala and Anne-Marie Slaughter, use this term in a way that is 'agnostic about causality' (Raustiala/ Slaughter, 2006: 539), thus making it irrelevant if compliance is based on coercion or internalisation and belief.

Compliance is closely related to the term *implementation*. Even though this term is sometimes understood as only encompassing 'integration of international rules into domestic law and institutions' (Simmons, 2008: 199), I will use a broader definition which in principle includes not only developments on the domestic but also on the regional and international level. Consequently, I will understand implementation as 'the process of putting international commitments into practice' for example by means of 'the passage of legislation, creation of [secondary; note from the author] institutions (both domestic and international) and enforcement of rules' (Raustiala/ Slaughter, 2006: 539). Although there are cases where compliance can occur without previous rule implementation, in particular when a rule matches the previous practice, implementation will be a necessary condition for compliance in those cases where rules have not gradually emerged and developed within a society but have rather been constructed (Raustiala/ Slaughter, 2006: 539).

2.3 Methods

2.3.1 Methodological Pluralism: A Brief Introduction to English School Methods

Does the English School of International Relations even possess its proper methods? This question is not completely unsubstantiated when considering, for example, that Richard Little states that the founders of the English School have 'not displayed very much interest in methodological questions' (Little, 2007: 20). Even though Little recognises that the English School is characterised by a methodological pluralism, he criticises that the 'complexity and diversity of the ontological and epistemological assumptions that underpin the English School approach to theory and history have come about, to some extent, as a consequence of not paying close attention to ontological and epistemological

questions' (Little, 2007: 29). According to him, English School scholars are therefore methodological pluralists by intuition rather than by intention (Little, 2007: 29).

What does this 'methodological pluralism' that characterises the English School thus entail? In general, it means that English School scholars use a broad approach 'borrowing' research methods deriving from philosophy, history and law, enabling them 'to look at several things at once' (Buzan, 2004: 228). According to Hedley Bull, who calls this the 'classical approach', it is 'characterized by explicit reliance upon the exercise of judgement and by the assumption(s) that if we confine ourselves to strict standards of verification and proof there is very little of significance that can be said about international relations' (Bull, 1969: 20). In this context, special attention is accorded to the role of history with international politics 'understood as a temporal sequence of events, not as a moment in time' (Bull, 2000: 253).

In contrast to other International Relations schools of thought, English School scholars thus do not want to make and test hypotheses in order to construct scientific laws. They rather aim at understanding and interpreting international relations (Jackson/ Sørensen, 2010: 48).

2.3.2 The Framework of Analysis

The goal of my thesis is to analyse if the AU has become rather solidarist in its nature. To this end, I will position the AU on a spectrum from pluralism to solidarism. In order to tell where the AU as an international society stands on this scale from pluralism to solidarism, the benchmark positions which Barry Buzan developed for international societies on a scale from thin pluralism to thick solidarism provide useful guidance (Buzan, 2004: 158 – 160).

The first three of these benchmark positions, asocial, power political and coexistence are on the rather pluralist side of the spectrum, the latter three, cooperative, convergence and confederative, are on the rather solidarist side of the spectrum:

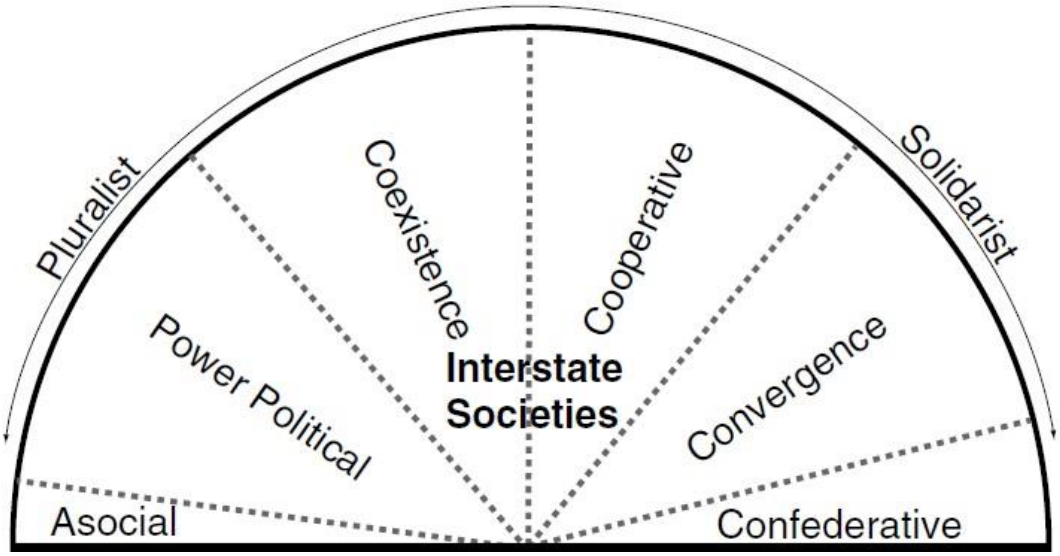

Figure 1: The pluralist and solidarist spectrum

(Source: Buzan, 2004: 159)

Asocial, is referring to the mostly theoretical condition where the only contact between states are wars of extermination without any social contact (Buzan, 2004: 159).

Power political is quasi identical with what I introduced as an international system: the states' relations are mostly characterised by enmity but there is some contact in the form of 'diplomacy, alliance-making and trade'. The main goal of states in such an international society is survival and no or only very few values are shared (Buzan, 2004: 159 – 160).

The term *coexistence* characterises what is mostly labelled as a classic pluralist English School position. Rivalry, but not enmity characterises relations between states. While sovereignty is accepted as a central principle, violent disputes might still occur between states. International law is becoming important as a means of regulating relations between states (Buzan, 2004: 160; Wendt, 1999: 279 - 297).

Cooperative is used to label international societies whose purpose goes 'significantly beyond coexistence but short of extensive domestic convergence'. Oftentimes but not necessarily, war will get diminished as an institution and other institutions emerge reflecting solidarist joint projects (Buzan, 2004: 160).

Convergence characterises a set of states with a 'substantial enough range of shared values within a set of states to make them adopt similar political, legal and economic forms'. In order to achieve this similarity concerning the type of government and legal systems, 'similar values in respect of such basic issues as property rights, human rights and the relationship between government and citizens' need to exist (Buzan, 2004: 160).

Lastly, the term *confederative* characterises international societies at 'the border zone between a solidarist interstate society and the creation of a single political entity' (Buzan, 2004: 158 – 160).

This spectrum is built on the premise that pluralism and solidarism are 'degrees of difference rather than contradictory positions' (Buzan, 2004: 59). Yet the fact that Buzan himself writes about 'principles on which a departure into solidarism might be constructed' (Buzan, 2004: 146) tells us that at a certain point, international societies *can* shift from being rather pluralist to being rather solidarist. Buzan thus keeps pluralism and solidarism as categories for international societies but purports that pluralist and solidarist international societies can take many different forms and varieties (Buzan, 2004: 156 – 157). With regard to my research question, Buzan's benchmark positions are relevant because the ARIS would be rather solidarist in its nature if it could be positioned at least within the cooperative position on the pluralist and solidarist spectrum.

In order to position the ARIS on this spectrum, I will deduce criteria which are implicit or explicit in Buzan's approach and which influence where an international society stands within this spectrum.

Two criteria can be inferred from Buzan's benchmark positions as key influences to where an international society is positioned on the pluralist and solidarist spectrum: The question of which values are shared and the number of values that are shared (Buzan, 2004: 155). Both of these criteria focus strongly on the fact that values are shared. I will thus firstly clarify what I mean by a shared value before briefly elaborating on the two criteria separately.

The question of when a value, in particular a value codified in treaties and other forms of international law, is 'held' (Buzan, 2004: 104) within an international society has been

underdeveloped in English School literature. Yet some words concerning this issue are due here: Much of the OAU's and AU's integration has been furthered by legal texts. It is of pivotal importance to my thesis to ascertain if the existence of treaties is sufficient or if additional criteria need to be fulfilled in order to speak of a value.

Buzan does not elaborate broadly on the problem of when a value can be considered to be 'held'. He does, however, state that he relies on 'sustained behaviour' as an indicator for the existence of a certain value (Buzan, 2004: 104). Furthermore, he argues that the circumstances why a value is 'held' and in which way it is 'held' do not influence where an international society stands on a scale from pluralism to solidarism and can thus not be conducive to a value's quality as such: According to Buzan, the question of stability has to be separated from the question where any international society can be found on a spectrum from pluralism to solidarism. The questions if values are 'held' by coercion, calculation or belief (see Wendt, 1999: 268 – 303), if they are 'held' broadly within a state's population or only by a states' political leaders and if they are 'held' strongly or in a superficial way thus only matter as far as any international society's stability is concerned (Buzan, 2004: 153 – 157).

In line with the aforementioned, I argue that as '[t]reaty ratification is an observable commitment with potentially important consequences for both law and politics' (Simmons, 2009: 8), the existence of a treaty and its ratification by states as a gesture of formal acceptance matter and forms one indicator for the existence of a certain value within a society of states.

> *Governments participate in negotiations, sign drafts, and expend political capital on ratification in most cases because they support the treaty goals and generally want to implement them.*
>
> (Simmons, 2009: 12)

Nevertheless, this indicator cannot stand alone, as '[m]otives other than anticipated compliance influence some governments to ratify, even if their commitments to the social purpose of the agreement are weak' (Simmons, 2009: 13).

> *The significance of the origins, acceptance and evolution of norms for international relations scholars hinges on their ability to influence actual behavior beyond mere rhetorical commitment.*
>
> (Schmitz/ Sikkink, 2006: 529)

I thus argue that in order for a value to be 'held', states within an international society also need to *comply* with the corresponding rules and norms. This is implicit in Buzan's design of benchmark positions of international societies on the pluralist and solidarist spectrum: The change of primary institutions which he expects as states move from pluralism to solidarism can only take place when values are not just an empty shell but supported by the respective behaviour. This behaviour of adherence to a certain value can be summarised by the term compliance understood as 'a state of conformity or identity between an actor's behavior and a specified rule' (Raustiala/ Slaughter, 2006: 539) which I have already introduced in Chapter 2.2.6. Compliance will usually occur through means of implementing a certain value.

Another point which has yet been widely neglected in the study of international societies is how many states have to hold a value in order for it to be considered held by an international society as a whole. As much as this will depend on an assessment of the circumstances of each specific case, we can state that by conceptual necessity, a value cannot be held by any international society if less than the majority of states feel bound by it.

After having established what values are and when they are held, I will now turn to the criterion of *the type of values that are shared*.

When an international society becomes more solidarist, the significance of sovereignty and non-intervention will decrease while at the same time, the states' willingness to allow intervention and interference in their internal affairs and to interact with other states in order to accomplish joint projects will increase. An international society thus becomes more solidarist when the values which are shared go beyond co-existence and regard cooperation or the pursuit of convergence between states (Buzan, 2004: 146 – 147).

Cooperation can 'come in as many different forms as there are common values that might be taken up in this way' (Buzan, 2004: 149). The projects in which states cooperate are

thus not limited to classic solidarist projects but may encompass a wide area of issues, for example economic cooperation. Values regarding convergence are pursued when states set 'becoming more alike as a conscious goal' and make a 'conscious move towards greater homogeneity in domestic structures and values among a set of states' (Buzan, 2004: 146 – 147). This may lead to a higher degree of homogeneity of the states' domestic constitutions within an international society (Buzan, 2004: 146). These values are pursued by the states 'by coordinating their policies, undertaking collective action, creating appropriate norms, rules and organisations, and revising the institutions of interstate society' (Buzan, 2004: 146 – 147).

It has to be noted that in order to illustrate the significance of values regarding convergence and cooperation, Buzan has labelled two benchmark positions on his spectrum as 'cooperative' and 'convergence'. Nevertheless, the pursuit of some cooperative values does not necessarily lead to a classification of an international society as 'cooperative', just as the pursuit of values regarding convergence does not automatically correlate with the international society being 'convergent', although this might be the case. The international society's classification rather depends on the number of cooperative and convergent values which are shared and on how many values which concern coexistence are pursued at the same time (Buzan, 2004: 154 – 157).

The second criterion which influences where an international society stands on Buzan's spectrum of benchmark positions is *the number of values which are shared* within an international society. As according to Buzan, international societies will add more values to the existent ones when moving from pluralism to solidarism, the number of values which are held in total will grow when states become more solidarist (Buzan, 2004: 155). The more solidarist an international society becomes, the more joint projects or issue areas states will cooperate in. We can also expect that a higher number of values will be pursued and shared in the course of these joint projects.

These criteria offer a useful approach to the categorisation of regional international societies within the benchmark positions on a pluralist and solidarist spectrum. Nevertheless, '[t]he possible variance within any given position on the spectrum' might be vast (Buzan, 2004: 157). It is, for example, possible that values regarding coexistence and values regarding cooperation and convergence exist simultaneously within an

international society. This scope of possible variations 'requires that cases be looked at individually, and analyses made according to the particular balance of these factors within them' (Buzan, 2004: 157).

2.3.3 Methodological Approach

2.3.3.1 General Approach

I will base my methodological approach concerning the question if today's ARIS can be positioned on the rather solidarist side of the pluralist-solidarist spectrum on the framework of analysis I just introduced. Where the ARIS is situated within this spectrum will thus depend on how many values are shared and on the degree to which values concerning convergence and cooperation (in contrast to values concerning coexistence) are pursued within the ARIS.

In order to make a judgement about where the ARIS as a whole stands on a scale from pluralism to solidarism, I will choose issue areas within the ARIS in which new, rather solidarist values might have emerged and are held by the states belonging to the ARIS. In the analytical part of my thesis I will then analyse each of these issue areas separately to answer which values have emerged and whether these values are held by the states in the sense that they comply with them beyond mere rhetorical commitment. To answer these questions, I will rely on two criteria which follow from my framework of analysis:

The emergence of formally accepted rather solidarist rules within these issue areas.

Values as 'the moral principles and beliefs or accepted standards of a person or a social group' (Buzan, 2004: 164) can come into being in many different ways and do not necessarily have to be codified. Yet I argue that within the ARIS, change has mainly been advanced by endorsing new values in a formal way by means of treaties 'as especially clear statements of intended behavior' (Simmons, 2009: 7). The first criterion for a more solidarist ARIS is thus the formal acceptance of new rather solidarist rules. This criterion can be operationalised by the indicators existence of legal instruments containing values pertaining to the pursuit of convergence and cooperation, hence rather solidarist values, and the number of ratifications of these instruments.

Compliance with and implementation of these rules.

As I argued before, in order to tell if certain values contained in legal instruments are really shared within an international society, we have to look at the states' behaviour following the formal acceptance of treaties. Only when the states comply with certain values and not just pay lip service to them can they be considered to be held within an international society. In order to see if states comply with the values contained in legal instruments, I will take into account the states' implementation of treaties by means of 'the passage of legislation, creation of [secondary; note from the author] institutions (both domestic and international) and [the] enforcement of rules' (Raustiala/ Slaughter, 2006: 539). As the issue areas are different in their character, I will need to adapt my operationalization according to each of the issue areas' characteristics which I will elaborate on in Chapter 2.3.3.3.

The analysis of each of these issue areas will allow me to see if new values concerning convergence and cooperation are pursued within the ARIS. Based on these findings, I will in a further step position today's ARIS within the benchmark position of Buzan's pluralist-solidarist spectrum. My reference point for this localisation will be the criteria established by Buzan for the respective positions on the spectrum which I introduced in Chapter 2.3.2. As I have shown in Chapter 2.3.2, the categorisation of an international society within this spectrum depends on the number of values which are shared and on the fact if values regarding cooperation and convergence (solidarist values) or regarding coexistence (pluralist values) are shared. As far as the type of values which are pursued is concerned, the categorisation of the ARIS will depend on 'the particular balance of […] factors within them' (Buzan, 2004: 157) and thus on the question if and to what extent values concerning cooperation and convergence or values concerning coexistence prevail. Concerning the number of values that are held, I will need a reference point from Africa's past. As I base my analysis on the hypothesis that developments which have started in the 1970s have slowly led to a more solidarist orientation of today's AU, I will take the very beginnings of the OAU as my reference point for the, so to speak, status quo ante. At the time of its beginnings in OAU times, the ARIS was, as I will elaborate on in Chapter 3, a

classic pluralist international society. As during early OAU times and thus during the ARIS' first years, only few common values were pursued, the emergence of new values which are held by the ARIS will automatically equal a growing number of common values.

2.3.3.2 Selection of Issue Areas

There are a number of issue areas in which developments which might be solidarist have occurred since the beginnings of the OAU. As it would go beyond the scope of this thesis to analyse each of them, I will isolate the issue areas of most relevance pertaining to the question if the ARIS is moving towards the solidarist side of Buzan's spectrum. I have chosen issue areas in which values which concern cooperation and convergence might have emerged based in particular on the goals and principles contained in the AU Constitutive Act and other legal texts with a continent-wide focus. As far as the relevance of the developments has been concerned, I also took into account which developments have most recently been treated by scholars writing on the OAU and the AU.

Based on these criteria, I have decided to focus my analysis on the issue areas of (1) human rights, (2) the AU's right to intervene in its member states taking the form of a responsibility to protect (R2P) and (3) economic integration and cooperation.

Even though the issue areas of human rights and R2P show a certain amount of overlap, I will analyse each of them separately. The AU's R2P and the issue are of human rights are insofar interdependent as grave human rights violations within one country can result in the AU's right to intervene in that country. A lot of the central English School texts treat the question of human rights and intervention jointly. Nevertheless, I will separate the analysis of these criteria for two reasons: Firstly, because not only the violation of human rights but also a 'serious threat to legitimate order' can provide the AU with a right to intervene in a member state. And secondly, because the analysis of these issue areas has different foci: The implementation of human rights tells us more about to what extent states pursue common solidarist values. The pursuit of a right of intervention in contrast tells us if the significance ascribed to sovereignty decreases meaning that values pertaining to coexistence and thus rather pluralist values become less important. Analysing both issue areas separately will tell me to what extent today's ARIS is

characterised by rather pluralist and rather solidarist values and will thus help me to better understand the character of the ARIS as a whole.

2.3.3.2.1 Human Rights

Human rights are commonly understood as 'a set of principled ideas about the treatment to which all individuals are entitled by virtue of being human'. (Schmitz/ Sikkink, 2006: 517)

Multiple human rights instruments, notably the AChHPR which has been adopted in 1981, have emerged since OAU times and review procedures and report mechanisms like the AComHPR and the ACouHPR have been formally endorsed. Moreover, three of the 14 objectives of the AU Constitutive Act and six of its 16 guiding principles have a human rights focus (Isanga, 2013: 271) whereas the OAU Charter mentioned human rights solely in the context of the OAU states promoting 'international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights' (Art. 2(1)e OAU Charter). We can thus ascertain that multiples developments have taken place in this issue area in recent years.

Moreover, human rights play an important role within the English School's discussions concerning solidarist developments: In Buzan's understanding, human rights are an example for values among states which go beyond coexistence and concern cooperation between states. Moreover, much of the writings of English School scholars who base their research on the classic definition of solidarism has focussed on human rights: Since R.J. Vincent's 1986 'seminal study' (Gallagher, 2013) 'Human Rights and International Relations' (Vincent, 1986) there has been an understanding among classic solidarist scholars that states should no longer be allowed to do as they wish within their frontiers but should have to follow some basic rules which have to be acknowledged by all (Vincent, 1986: 125). In particular after the Cold War, there has been a growing consensus that human rights no longer solely belong to a states' domestic sphere but are subject to international concern (Wheeler, 2000: 28; Kardas, 2011: 16; see also: Buzan, 2004: 232). It will be interesting to see if this growing solidarisation with respect to human rights which can be observed on a global level does also exist on the African continent.

2.3.3.2.2 The Right of the AU to Intervene in Its Member States

The introduction of a right of intervention by the African Union in its member states provided for by Article 4(h) AU Constitutive Act ('the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity') is a complete novelty in comparison to the OAU Charter and a joint project in pursuit of common values as defined by Buzan. Article 4(h) of the AU Constitutive Act is not only the subject of intense academic debate and praised as 'at least on paper […] the closest institutional embodiment of the R2P's three pillar structure currently in existence' (Williams, 2009: 400) but the AU even seems to have accepted the principle of R2P by incorporating it in its Constitutive Act before it had been accepted by the UN World Summit on a global level in 2005.

Moreover, the concepts of R2P and intervention play a pivotal role within English School literature: In the last decades, humanitarian intervention and in more recent years the R2P have been central topics of discussion between classic pluralists and classic solidarists within the English School. Even though humanitarian intervention and the R2P are different concepts, they are related as both argue for a right to intervene if states massively violate fundamental (individual) rights. The discussion within the English School focuses around the question if such a norm allowing intervention has emerged in (global) international society (Bellamy, 2003: 321-322) with Hedley Bull (Bull, 1986: 193) and Robert Jackson (Jackson, 2000) arguing against the fact that such a norm has emerged and R.J. Vincent (Vincent, 1986) and Nicholas Wheeler (Wheeler, 2000) arguing in its favour. The basic content of the R2P norm which globally emerged around the turn of the millennium is that states have the primary responsibility to protect their own citizens from genocide, mass killing, ethnic cleansing and crimes against humanity. If they are unwilling or unable to do so, however, this responsibility is transferred to the international community which can subsequently step in (Evans/ Sahnoun, 2001; United Nations General Assembly, 2005: §§ 138-139). The R2P differs from the concept of humanitarian intervention inter alia insofar as it tries to reconcile the protection of human rights within another state with the principle of sovereignty: Sovereignty is perceived to entail rights

and obligations, among others to protect one's own population from grave human rights violations (Bellamy, 2005b: 10, 196). Even though this responsibility to protect lays 'first and foremost with the state whose people are directly affected' (Evans/ Sahnoun, 2001: 17), it can be abrogated and devolve to the broader community of states.

2.3.3.2.3 Economic Integration and Cooperation

Economic integration has been on the forefront of an African integration movement. In 1991, the Abuja Treaty establishing the AEC has been adopted and subsequently entered into force in 1994. The Abuja Treaty's goal is to realize a closer economic cooperation and integration of African states via six stages of which the last should be completed by the year 2028. The goals contained in the Abuja Treaty made Africa at the time of its creation the first continent to build an 'economic community […] bringing all its States together. (Mbenge/ Illy, 2012: 187) From the very beginnings of the emergence of the AU, namely the Sirte Declaration which has been made in September 1999 and which for the first time named the goal to establish an African Union, the acceleration of the process leading towards the creation of an AEC (Organization of African Unity, 1999: Para. 8(ii)) and the furthering of Africa's economic integration have been driving forces behind the new continental organisation. Consequently the AU Constitutive Act contains four objectives concerning economic development. Economic integration and cooperation thus constitute an issue area where common values might have been increasingly pursued by the ARIS.

Moreover, although being mainly neglected by the English school's founding fathers, the issues of economic cooperation and integration have gained growing attention among English School scholars (Bellamy, 2005b: 292; Aalto, 2007; Gonzalez-Pealez, 2009: 110 – 112; Buzan, 2004: 150 – 151). They are seen as typical examples for states coordinating their policies around common values and thus for a solidarist development within a regional international society as this quote by Barry Buzan exemplifies:

> *"The most obvious exemplar of solidarism in the pursuit of joint gains lies in liberal understandings of how to organise the economic sector. […] In order to realise these gains, states have both to open their borders and coordinate their*

behaviours in selected but systematic ways. In other words, they have to agree to homogenise their domestic structures in a number of quite central respects."

(Buzan, 2004: 150 – 151)

2.3.3.3 Operationalization of Solidarist Developments in These Issue Areas

In this chapter I will illustrate which indicators I will use to assess if values pertaining to cooperation and convergence and thus solidarist values are held within each of these issue areas. The indicators named will operationalise the criteria 'emergence of formally accepted rather solidarist rules within these issue areas' and 'compliance with and implementation of these rules' which I have introduced in Chapter 2.3.3.1.

2.3.3.3.1 Human Rights

In accordance with my framework of analysis and my general methodological approach, I will take the following indicators into account in order to analyse if values pertaining to human rights and thus solidarist values are held within the ARIS:

1. The human rights instruments which have been adopted and the numbers of states which have ratified them as indicators for the formal acceptance of new, rather solidarist values.

2. The review and enforcement mechanisms which have been put in place as indicators for the African states' compliance with and implementation of the values contained in the human rights instruments:

a) In this regard, I will firstly take into account whether the review and enforcement mechanisms have been established in a way that enables them to further human rights. As human rights norms address states and demand of them to adapt their domestic behaviour, review and enforcement mechanisms must be able to have some influence on the states' domestic conduct. This can be achieved by a number of factors, for example by allowing individuals to bring human rights violations to the respective mechanisms' attention or by enabling these mechanisms to make binding decisions.

b) Secondly, implementation of human rights can also be measured by the states' behaviour towards these review and enforcement mechanisms. Have they formally accepted these mechanisms? Are they cooperating where it is possible and necessary, do they for example fulfil the mechanisms' reporting requests (see: Schmitz/ Sikkink, 2006, p. 529)?

As far as compliance with and implementation of human rights are concerned, 'the implementation of norms in domestic law […] and rule-consistent behaviour on the domestic level' (Schmitz/ Sikkink, 2006: 529) are also indicators which are commonly mentioned. However, there is a lack of data concerning the implementation of African human rights instruments in domestic law as well as concerning domestic behaviour with regard to the values contained in these human rights treaties. The few existent studies are case studies concerning the implementation of regional human rights instruments in a specific country. These studies do not allow me to draw conclusions concerning the domestic human rights implementation within the whole ARIS. Useful as these indicators are, I am thus forced to abstain from including them.

2.3.3.3.2 The Right of the AU to Intervene in Its Member States

The right of the African Union to intervene in its member states without their prior consent is contained in Art. 4(h) AU Constitutive Act. Yet alongside this provision, the AU has placed Art. 4(g) AU Constitutive Act which emphasises the significance of the principle of 'non-interference by any Member State in the internal affairs of another' and Art. 3(c) AU Constitutive Act which contains provisions concerning the respect for the AU member states' sovereignty and territorial integrity. These provisions seem to conflict with each other: while an international society in which states allow interference in their internal affairs is rather solidarist, the principles of non-intervention and sovereignty which have also been incorporated in the AU Constitutive Act are rather pluralist in their nature. In addition, it needs to be clarified how a right to intervene in the AU member states can exist alongside a provision prohibiting intervention into the same states.

1. I will thus firstly analyse if a solidarist value – pertaining to cooperation and convergence instead of coexistence – has been incorporated in the AU Constitutive Act and thus been formally accepted by the AU member states. I will do so by interpreting the respective provisions of the AU Constitutive Act. This will allow me to see if the African states have formally accepted new, rather solidarist values.

2. In a second step, I will analyse if the AU and its member states comply with the value of intervention into the latter's internal affairs. To accomplish this, I will conduct several brief case studies: I will isolate various cases in which the conditions for an intervention would have been given and analyse if and how the AU reacted and if it has made reference to Art. 4(h) AU Constitutive Act. This will show me if the right of the AU to intervene in its member states has been implemented.

2.3.3.3.3 Economic Integration and Cooperation

In the Abuja Treaty which has entered into force in 1994, the AU member states agree to further the goals of economic integration and cooperation by following a framework including six steps and set target dates for accomplishing each of these steps. I will base my analysis of economic cooperation and integration as a shared rather solidarist value within the AU on the way it has been codified within this treaty.

The Abuja Treaty's framework is built on the premise that before common standards on a continent-wide level can be reached, economic integration should first be achieved on sub-regional levels within several regional economic communities (RECs). Only when cooperation and convergence have been achieved on sub-regional levels should a continent-wide homogenisation be pursued, its ultimate goal being the establishment of the AEC, an African free trade area with a common currency. The stages which are currently pursued according to the timetable set out in the Abuja Treaty still concern the integration within the RECs and not continent-wide cooperation and homogeneity.

To my knowledge, there are no historic precedents for an attempt to achieve economic integration between a large number of states by firstly adopting common standards within sub-regional groupings and then pursuing integration on a macro-level. Yet analysing the effectiveness of such an approach to achieving continent-wide economic integration and

cooperation would go beyond the scope of this thesis. I will thus in accordance with Gerals Ajumbo (Ajumbo, 2012) assume that by following the steps which are presented in the Abuja Treaty, continent-wide economic integration can be achieved, even if current measures focus on a sub-regional level. I can make this assumption as ultimately, in accordance with my framework of analysis, it is the behaviour of states and thus the fact that common values pertaining to cooperation and convergence are pursued, that matters. As long as the states work towards accomplishing the goals and the stages set out in the Abuja Treaty with the ultimate goal of pursuing African-wide economic integration and cooperation, it is irrelevant if this is the most efficient way to build an AEC.

In order to analyse if economic integration and cooperation as presented in the Abuja Treaty and thus a common solidarist value have been pursued, I want to take into account the following aspects:

1. The extent to which the Abuja Treaty's staged have been realized: Have the goals which the African states have set themselves concerning economic integration towards an AEC been accomplished? The goal of building an AEC is based on several clearly distinguishable steps for which target dates have been established. This process focuses firstly on an integration within the RECs and will only later turn to the continental level. I will monitor if these goals have so far been realised according to the timetable by comparing the steps envisaged in the Abuja Treaty with the actual accomplishments. To what extent the actual developments are congruent with the Abuja Treaty's goals will serve as an indicator for the treaty's enforcement and thus for the implementation of its goals concerning economic integration and cooperation.

2. While monitoring the progress in achieving the Abuja Treaty's goals will tell me more about the African states' progress towards economic integration on a regional level, I also want to analyse if these regional developments are embedded in a continent-wide framework aimed at economic cooperation. This will tell me if the African states pursue regional integration as a goal in itself or if they ultimately aim at achieving continent-wide economic integration and cooperation. I will thus further take into account the AU-wide measures regarding the facilitation and furthering of economic integration and cooperation, in particular new treaties, decisions by relevant AU organs and new mechanisms. These measures will serve as indicators for the implementation of the values

contained in the Abuja Treaty, namely economic cooperation and integration on a continental level.

3. The African Regional International Society: From the OAU to the AU

The ARIS has evolved from the early days of the OAU, characterised by only minimal cooperation, towards today's AU. In order to better understand the developments in several issue areas which I will analyse in the following chapter and in order to place the more recent progress in context, I will provide a brief overview of the OAU's emergence, gradual development and its replacement by the AU. Moreover, I will define the geographical scope of today's ARIS.

3.1 The OAU

The OAU was founded in May 1963 in a time when African states started to gain independence from colonial rule. The emergence of the OAU was preceded by discussions concerning the direction which the newly independent continent and its organisation should take. Pan-Africanism 'the idea of the African states as strong and united against colonial subjugation and racism, and working together to improve the lives of African people' (Packer/ Rukare, 2002: 366), played an important role in these discussions. Kwame Nkrumah, Ghana's first president, was a proponent of a strong continental organisation based on pan-African ideals, an agenda for political and economic integration and the immediate establishment of a 'United States of Africa'. However, '[c]herishing the independence and sovereignty they had just regained from the European powers' (Mei, 2009: 9) most of the African leaders were unwilling to follow Nkrumah's idea and preferred 'a more gradual approach to Africa unity' (Badejo, 2008: 30). Ultimately, the only goal which unified all of the African states was the pursuit of the continent's decolonisation (Akokpari, 2008: 372), and it was this common goal which led to the OAU's creation in May 1963. Other goals pursued according to the OAU Charter were inter alia non-interference, sovereignty and territorial integrity (Art. 3(3), (4) OAU Charter). The principle of non-interference characterised the OAU's activities to such an extent that the organisation was not even able to discuss a state's internal matters or pass resolutions in this regard against the respective state's will (Mei, 2009: 13). The OAU's institutional design was weak and ultimately, the only goal the OAU

pursued and achieved was the gradual elimination of colonialism in Africa (Mei, 2009: 11 – 12). It were thus the states who strived for a statist agenda and not the ones who intended to create a pan-African organisation that ultimately shaped the character of the OAU Charter (Makinda/ Okumu, 2008: 20).

When analysing the OAU's early years through the lens of the English School, we can ascertain that it forms an international society as 'a group of states, conscious of certain common interests and common values' which 'conceive[s] themselves to be bound by a common set of rules in their relations with one another, and share[s] in the working of common institutions' (Bull, 2002: 13). The OAU pursued common values, namely the eradication of colonialism and the principles of non-interference, sovereignty and territorial integrity. Furthermore, the OAU offered a framework of rules regulating the states' conduct towards each other and possessed common institutions. I argue that this ARIS emerged at the time of the OAU's creation: It was in the course of Africa's decolonisation in the early 1960s that the majority of African states became independent and could thus pursue their own politics. With the creation of the OAU, common rules which these newly independent states felt bound by were established and secondary institutions were created. This international society was classically pluralist in its nature and thus occupied the position labelled as 'coexistence' on Buzan's scale from pluralism to solidarism: Sovereignty played a pivotal role in this international society and the only common value pertaining to cooperation which was pursued was the abolition of colonialism.

From the 1970s onwards, however, the situation in Africa gradually changed: First calls for African-wide economic cooperation and the creation of an African Economic Community (AEC) were voiced in 1976 (Mbenge/ Illy, 2012: 189). This idea was developed through many discussions in the course of OAU summits and conferences of ministers and finally led to the creation of the Treaty Establishing the African Economic Community (the so-called Abuja Treaty) in 1991 which contains a roadmap to the creation of an AEC. Commentators see the ideals of pan-Africanism as the driving force behind these changes (Mbenge/ Illy, 2012: 187).

Developments have also taken place in the issue area of human rights. In 1969, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and thus the

first African-specific human rights instrument was adopted but widely ignored due to the lack of a monitoring mechanism (Viljoen, 2012: 194, 245). In 1981, a broader African human rights framework was created by means of the AChHPR which also possesses an enforcing mechanism, namely the AComHPR. Nevertheless, grave human rights violations occurred in Africa and continued even after the adoption of the AChHPR due to the OAU Assembly turning 'a blind eye to the atrocities committed' (Mei, 2009: 13).

However, the fact that states were discussing and slowly progressing towards cooperation on a broader number of values shows that the AU was becoming more than 'a mutual preservation club' (Makinda/ Okumu, 2008: 12). These gradual changes ushered in a new phase in African politics and ultimately led to the creation of the AU as a new continental organisation.

3.2 The Emergence of the AU

The birth of the AU can be explained by several factors. Firstly, the personal ambitions of political leaders like Libya's Muammar Gaddafi, the former South African President Thabo Mbeki and Nigeria's Olusegun Obasanjo. Their visions of a united African were the driving force behind the developments leading to the creation of the AU (Makinda/ Okumu, 2008: 31 - 33). Another factor was the African country's dissatisfaction with the performance of the OAU and the desire 'to give more prominence to Africa, to make it an organization that had real teeth, that could push Africa on the international stage, that gave […] a more unified voice to Africans' (Richard Downie, quoted in: Almond, 2011).

Changed global circumstances constitute another cause for the AU's emergence: During the Cold War, western countries and the USSR had supported African dictators who had taken sides with them and ignored human rights abuses taking place in the respective country. In the 1990s, the USSR dissolved and thus stopped supporting African states whereas western countries turned away from African leaders and started to support civil society organisations striving for democratic change instead (Makinda/ Okumu, 2008: 34). In response to these global changes, 'African leaders sought to reconstruct their identities and interests' (Makinda/ Okumu: 28). The OAU was more and more perceived

as ‘outdated’ and African countries ‘sought to replace it with an organization more attuned to democracy and transparency’ (Makinda/ Okumu, 2008: 34).

These developments were accompanied by the wish to re-animate and further pursue the Pan-Africanist project (Murithi, 2012: 663). In fact, the framework of the AU has a lot in common with the ideas voiced by Kwame Nkrumah in the early 1960s (Makinda/ Okumu, 2008: 28).

It was in the context of this changing African climate that Libya’s leader Muammar al-Gaddafi presented his proposal for a restructuring of the existent African organisation at an extra-ordinary OAU summit in Sirte, Libya in September 1999. Although Gaddafi’s draft proposal came as a surprise for the state leaders at the summit and contained some radical changes to the existing African framework, all states agreed that an African Union should be created by adopting the so-called Sirte Declaration on 9 September 1999 (Organization of African Unity, 1999). The AU Constitutive Act, the formal basis for the transformation from the OAU to the AU, has been adopted on 11 July 2000 and entered into force on 26 May 2001. The AU formally began its work at the 1st AU summit in Durban as of 9 July 2002.

3.3 The Scope of the African Regional International Society

I argue that an ARIS has existed since the time of the OAU’s creation. With the AU’s emergence, this ARIS has changed as, inter alia, new secondary institutions in the form of AU organs have been created. Nevertheless, many of the goals which the AU aims to pursue according to its Constitutive Act are not new per se but originate from OAU times. As I have shown, economic integration and human rights which the AU Constitutive Act repeatedly refers to, have been discussed and codified by African states since the 1970s. In many respects, the AU Constitutive Act has thus just taken up developments which have started much earlier. Hence, the AU continues where the OAU has left off. Both organisations are manifestations of one and the same ARIS.

When speaking of the ARIS, I refer to the states which have been members of the OAU and the states which are currently members of the AU. The OAU and the AU, however, are not completely congruent with the entirety of African states.

The OAU was established by 32 African states. Gradually, more states joined the OAU and subsequently the AU. Today, the AU has 54 member states. The only African state which is not an AU member of is Morocco. Morocco withdrew from the OAU, in 1984 in protest of a majority of the OAU member countries supporting the admission of the Sahrawi Arab Democratic Republic (Western Sahara) to their organisation, a territory which Morocco claims to control. Morocco has since then not re-activated its membership. However, the Sahrawi Arab Democratic Republic is a member of the AU even though it is currently neither recognised internationally nor – due to the withdrawal or suspension of a previous recognition - by the majority of member states of the AU. The latest member to join the AU has been South Sudan which joined on 27 July 2011 after its secession from Sudan. Three member states of the AU are currently (April 2014) suspended according to Article 30 of the AU Constitutive Act[1] due to political struggle or a coup d'état: the Central African Republic, Guinea-Bissau and Egypt. They can thus presently not participate in the AU's activities. As they stay members of the AU and can be re-admitted 'when they return to constitutional rule' (BBC News, 2012), these suspended countries still belong to the ARIS.

[1] Article 30 of the AU Constitutive Act states: 'Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.'

4. Analysis of Solidarist Elements in the AU

I will now analyse to what extent solidarist elements in the sense of the pursuit of more values concerning cooperation and convergence can be found in the ARIS by analysing the issue areas of human rights, intervention into the AU's member states and economic cooperation and integration

4.1 Human Rights

I will firstly examine if a move towards the rather solidarist side of Buzan's pluralist-solidarist spectrum has taken place within the issue area of human rights by evaluating to what extent values pertaining to cooperation and convergence are held. I will do so by analysing what written commitments the African states have adopted in this regard and how many states have formally accepted them. I will then consider if and how these human rights have been implemented by means of review and enforcement mechanisms.

4.1.1 Human Rights Instruments: Existence and Ratification

One indicator for solidarist developments within the issue area of human rights is the emergence of human rights instruments which have been formally accepted by means of a majority of states ratifying them.

4.1.1.1 The African Charter on Human and Peoples' Rights

When the OAU was created, no continent-wide human rights instruments existed in the ARIS. Although human rights have never found their way into the OAU Charter and have just been formally acknowledged as continent-wide goals within the AU Constitutive Act, Africa's central human rights instrument, the *African Charter on Human and Peoples' Rights* (AChHPR), also known as the 'Banjul Charter', has already been adopted in 1981. Reasons for the emergence of this first comprehensive African human rights framework were a growing global commitment to human rights promoted by the UN, grave human rights violations in Uganda, Equatorial Guinea and the Central African Empire (now: Central African Republic) during the 1970s as well as the commitment of the OAU

Secretary-General Edem Kodjo (Viljoen, 2012: 158 – 160). Frans Viljoen, however, purports that the drafting process of the AChHPR has been influenced by diverging degrees of commitment by the states involved:

> *[…] some aimed at ensuring a genuine human rights-friendly supra-national institutional framework, which would inevitably also see an erosion of state sovereignty; others were at the table only to appease public opinion and amend reputations to deflect international and domestic criticism.*
>
> (Viljoen, 2011: 199)

The AChHPR contains a broad human rights framework and has been largely inspired by the 1948 Universal Declaration of Human Rights as well as the International Covenant on Economic, Social and Cultural Rights (1966) and the American Convention on Human Rights (1969) (Viljoen, 2011: 193). One particular characteristic of the AChHPR in comparison to other human rights instruments is that it does not only contain rights of individuals but also peoples' rights. Another distinctive feature of the AChHPR is that alongside rights it also imposes duties (Art. 27 – 29 AChHPR), for example 'duties towards his family and society, the State' (Art. 27(1) AChHPR).

As far as the content of the AChHPR is concerned, it only 'makes a small selection of socio-economic rights, opting for a minimalist approach, due to the restricted resources of states' (Viljoen, 2011: 194). Provisions that are missing in comparison to comprehensive international human rights instruments are, for example, the right to housing, food and social rights (Samb, 2009: 64). However, the AChHPR goes beyond the texts it got inspired by and other regional human rights documents at the time of its creation by including a right to a favourable environment and the right to development (Viljoen, 2011: 194). Yet, in terms of Buzan's definition of pluralism and solidarism, it is not important which values are shared as long as the values which are concerned pertain to the pursuit of cooperation which is the case with all values incorporated in human rights instruments.

The AChHPR is formally accepted by virtually all of the AU member states (African Union, 2013), the only exception being the newly created state of South Sudan. This high number of ratification can be seen as an indicator for the significance given to the values

incorporated in the AChHPR within the ARIS as a whole. Whether these values are 'held' by the international society or if states have only paid lip service to them, can, however, only be concluded when taking the implementation of this instrument into account which I will tackle in Chapter 4.1.2.

4.1.1.2 Other African Human Rights Instruments

The ARIS' human rights framework also consists of other human rights instruments which all have been ratified by a significantly lower number of states. The four treaties which have broadened the African human rights regime by codifying new values are (1) the Convention Governing the Specific Aspects of Refugee Problems in Africa, (2) the African Charter on the Rights and Welfare of the Child, (3) the Protocol to the African Charter on the Rights of Women in Africa and (4) the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa:

The first African-specific human rights instrument has been the *Convention Governing the Specific Aspects of Refugee Problems in Africa* (hereinafter: OAU Refugee Convention) which entered into force in 1974 and had been drafted in response to increasing refugee problems on the African continent due to internal skirmishes during the time of the African countries' struggle for independence (Enwere, 2006: 42).

The *African Charter on the Rights and Welfare of the Child* (hereinafter: African Children's Charter) has been adopted on 11 July 1990 shortly after the United Nations Convention on the Rights of the Child (CRC) and in a time of change within the African landscape regarding the role of citizens and democratisation. (Viljoen, 2012: 162). Viljoen thus concludes that the African Children's Charter 'has succeeded in addressing concerns of particular relevance to Africa' and 'has therefore fulfilled the objective of supplementing the CRC with regional specificities' (Viljoen, 2011: 195).

The *Protocol to the African Charter on the Rights of Women in Africa* (hereinafter: African Women's Protocol) is also called the Maputo Protocol due to its place of adoption at the second AU summit on 11 July 2003 in Mozambique. Alongside several provisions with an African-specific focus (Viljoen, 2011: 195), for example the right of women to be protected against HIV/ AIDS and to be informed about their own and their partner's

health status, in particular concerning HIV/ AIDS (Art. 14(1)d and Art. 14(1)e African Women's Protocol), it also contains several articles which are considered controversial by some African states. Those are in particular the provisions concerning medical abortion and the equal treatment of men and women concerning their rights in a marriage and their rights to inheritance. In several African countries, campaigns have been led against these provisions inter alia by church groups and even by women's rights groups which have hampered the process of ratification and implementation. (Safari Africa Radio, 2013) Even some of the states that have ratified the convention have voiced reservations (Safari Africa Radio, 2013), especially concerning Art. 14 which contains the right of women to a medical abortion in strictly defined circumstances (Art. 14(2)c African Women's Protocol).

The *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (hereinafter: IDP Convention) which is also called the Kampala Convention, has been adopted on 23 October 2009 and is praised as the 'world's first regional treaty on internal displacement' (Asplet/ Bradley, 2012). With 10.4 million internally displaced persons in sub-Saharan Africa at the end of 2012, a figure representing nearly a third of the global total of internally displaced persons (Internal Displacement Monitoring Centre, 2013: 9), the Kampala Convention tackles one of the most urgent African problems. One of its novelties is that the Convention goes 'beyond traditional, state-focused international human rights law' (Asplet/ Bradley, 2012) and establishes the accountability of several actors: Whereas the primary duty to assist internally displaced persons lies with the state (Art. 5(1) IDP Convention), non-state actors like multinational companies and private military or security companies are also held accountable for their actions. (Art. 3(1)h and Art. 3(1)i IDP Convention). States have been reluctant to ratify the IDP Convention as 'the issue of displacement is highly politicised, and some states saw it as a criticism of their human rights and governance records' (Nuur Sheekh, quoted in: Integrated Regional Information Networks, 2012).

As indicated, none of these four treaties has been signed by all African states. I have argued in Chapter 2.3.2 that in order for values to be formally accepted within an international society, they do not have to be universally accepted by all members of this international society, but they have to be accepted by at least the majority of its member states. The OAU Refugee Convention which has been signed and ratified by 45 of the 54

AU member countries (African Commission on Human and Peoples' Rights, n.d. a) and the African Children's Charter which has been ratified by 41 of 54 African countries (African Commission on Human and Peoples' Rights, n.d. b) are still at least formally widely accepted within the ARIS. Yet the African Women's Protocol has so far only been ratified by 28 countries (African Commission on Human and Peoples' Rights, n.d. c), the IDP Convention only by 22 countries (African Union, 2014b). These legal instruments are only formally accepted by half of the AU member states respectively less than half of the member states. As I have shown in Chapter 2.3, the indicator 'ratification' has only limited explanatory value as it is not the formal commitment but the actual behaviour of states which ultimately tells us if a value is held. Nevertheless, ratification generally indicates that states 'support the treaty goals and generally want to implement them' (Simmons, 2009: 12). As the act of treaty ratification per se is relatively cost free, it thus seems improbable that states would not ratify a treaty even though they pursue the values incorporated in it. Even though the fact that states ratify a treaty does not definitely tell us if they hold certain values, the fact that they do not ratify a treaty suggests that they do not support the values incorporated in it. The low ratification rate of the African Women's Protocol and the IDP Convention thus, subject to the ARIS' other behaviour, suggests that the values contained in these instruments are not shaping the character of the ARIS as a whole.

4.1.1.3 Conclusion

Considering the AU's treaties pertaining to human rights, the ARIS seems to have worked towards broadening its human rights regime and committing itself to human rights. Based on their number of ratifications, the ARIS as a whole has formally committed to the values contained in the AChHPR, the OAU Refugee Convention and the African Children's Charter. If the values which are incorporated in these instruments are, however, really held or if African states have just paid lip service to the pursuit of these human rights will depend on the states' behaviour which I will analyse in the next chapter.

4.1.2 Compliance and Implementation: Review and Enforcement Mechanisms

As I argued in Chapter 2.3, whether values are held within an international society does not primarily depend on the states' written commitments but rather on their behaviour, namely their implementation of and compliance with treaties and other instruments. In the context of human rights, the existence of review and enforcement mechanisms which are able to influence the states' behaviour are important indicators for compliance with human rights.

Over the last decades, several human rights review and enforcement mechanisms have emerged in Africa, namely the African Commission on Human and Peoples' Rights, the African Court of Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child.

4.1.2.1 The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (AComHPR) and the African Court of Human and Peoples' Rights (ACouHPR) are the two institutions which are tasked with enforcing the AChHPR today. Only the AComHPR, however, has already been envisaged in the AChHPR itself. The AComHPR has been established in accordance with Art. 30 AChHPR as a supervisory body which is inter alia entrusted with quasi-judicial functions. By ratifying the AChHPR, states automatically accept the AComHPR as a review and enforcement mechanism. At the time of the AChHPR's adoption, the drafters deliberately decided against the establishment of a full-fledged human rights court as they did not deem Africa ready for such a judicial organ (Viljoen/ Louw, 2007: 2).

The AComHPR began its work in 1987, which makes it 'the oldest human rights complaint-handling body in Africa'. (African Human Rights Case Law Analyser, n.d.) The scope of the AComHPR's mandate is specified in Art. 45 AChHPR and includes inter alia promoting the rights contained in the AChHPR (Art. 45(1) AChHPR), ensuring the protection of these rights (Art. 45(2) AChHPR) and interpreting the AChHPR's provisions (Art. 45(3) AChHPR).

In order to fulfil its tasks, the AComHPR has been given *a promotional* and *a protective mandate* (Odinkalu, 2013: 857). The AComHPR fulfils its *promotional mandate* by receiving and considering complaints by states, individuals and organisations. The core of its *protective mandate* is the state-reporting procedure.

4.1.2.1.1 The Promotional Mandate

The AComHPR's *promotional mandate* has a quasi-judicial nature and includes the inter-state complaints procedure (Art. 47 – 53 AChHPR) and the individual complaints procedure (Art. 55 AChHPR; Rules 93 – 113 Rules of Procedure of the African Commission on Human and Peoples' Rights). The inter-state complaints procedure gives a state party the possibility to bring violations of the AChHPR through another AChHPR member state to the AComHPR's attention. The individual complaints procedure encompasses complaints by individuals and organisations against states. If deemed admissible and if all other remedies for settling the dispute have been exhausted, the AComHPR will end the review of communications by issuing a recommendation. Some states have argued that these recommendations are not binding. Scholars and the AComHPR, however, consider them as final and deem that states have to respect and implement them (Viljoen, 2012: 339).

Until 2010 there has been only one complaint of one state against another state which the AComHPR has decided on (Samb, 2009: 67 – 68). The individual complaints procedure has been used more frequently than the inter-state complaints mechanism. The list of cases of the AComHPR on the website of the African Human Rights Case Law Analyser contains 197 cases brought before the AComHPR of which 80 were decided on the merits and which were almost all based on communications by individuals and organisations (African Human Rights Case Law Analyser, n.d.).

With regard to the AChHPR's implementation and compliance with it, the fact that individuals and organisations – and not only member states – can bring complaints before the AComHPR is significant as this has immensely increased the number of complaints handed in and decided upon, as was to be expected. The introduction of an individual complaints procedure thus entailed that the states' internal conduct is reviewed more frequently by the AComHPR. Nevertheless, the role of individual communications has

not been explicitly considered in the AChHPR and in the early years of the AComHPR's existence, it had even been doubted if the AComHPR could consider these kinds of communications. It has been the AComHPR itself which has ultimately decided to resolve the AChHPR's ambiguity in this regard by deciding to accept individual complaints. The AComHPR has thus granted itself relatively extensive powers to review the states' internal affairs with regard to the human rights contained in the AChHPR. Even though this extension of the AComHPR's mandate goes along with a higher degree of interference in the states' internal affairs due to a higher number of cases being brought before the AComHPR, the AChHPR member states have acquiesced this extension. This acquiescence is for example underlined by the facts that states continue to participate in the communication procedures and that '[t]oday, it is the rule, rather than the exception, for states to cooperate with the Commission's communication procedure' in the sense that states appear at hearings and respond to communications directed against them (Viljoen, 2012: 298). The fact that states allow interference in their internal affairs suggests that the significance which states grant to the maintenance of their sovereignty is diminishing which generally implies a move towards solidarism.

As far as the ARIS' implementation of human rights is concerned, it is, however, also important if this complaints procedure really triggers changes in the states' behaviour. In this regard, the complaints procedure is beset by a problem which the AComHPR itself states on its homepage:

> *The major problem however is that of enforcement. There is no mechanism that can compel States to abide by these recommendations. Much remains on the good will of the States.*
>
> (African Commission on Human and Peoples' Rights, n.d. d)

Even though the AComHPR's decisions are considered binding and states should thus implement them (Rule 112 Rules of Procedure of the African Commission on Human and Peoples' Rights), the AComHPR does not regularly monitor the respective states' follow-up on decisions. Thus no consequences arise out of a state's non-compliance with the AComHPR's recommendations (Viljoen, 2012: 339 – 340). However, a study conducted by Frans Viljoen and Lirette Louw which analysed all of the 44 communications issued by the AComHPR between 1987 and mid-2003 in which violations by a state party have

been found, proves that nevertheless, states oftentimes at least partly comply with the AComHPR's recommendations. According to this study, only in 30% of the cases did states not comply at all with the decision's findings, whereas in the other cases, states did at least partially or in 14% of cases even fully comply with the AComHPR's recommendations (Viljoen/ Louw, 2007). Despite the lack of monitoring mechanisms for compliance with the AComHPR's decisions, we can thus conclude that the states' behaviour has at least partly changed due to the complaints procedure. All in all, the AComHPR's promotional mandate thus seems to at least partly further the African states' compliance with the AChHPR.

4.1.2.1.2 The Protective Mandate

Apart from its promotional mandate, the AComHPR also has a *protective mandate* which most notably includes the *state reporting procedure.* According to Art. 62 AChHPR and due to a decision of the Assembly of Heads of State according to Art. 45(4) of the AChHPR[2], countries are bound to submit biannual reports to the Commission. These reports shall include 'legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the […] Charter' (Art. 62 AChHPR). Hans Peter Schmitz and Kathryn Sikkink purport that 'the fulfilment of reporting and other requests by supervisory bodies' is an important indicator for a states' compliance with human rights norms (Schmitz/ Sikkink, 2006: 529). The state reporting procedure 'provides a state with an opportunity to take stock of its achievements and failures in making the guarantees in the Charter a reality' while simultaneously holding the state 'accountable to its treaty obligations at the national level and before the international community' (Viljoen, 2012: 350). It is thus an integral part of a states' compliance with its obligations contained in the AChHPR.

The state reports have, however, not been handed in regularly. Up until now, only six AU member states have handed in all the state reports which have been due, 14 states are late by one or two reports, 24 states have not handed in three or more reports and nine states (not including South Sudan) have not yet handed in any report at all (African Commission

[2] Art. 45(4) of the ACHPR entrusts the Commission with the function to '[p]erform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government'.

on Human and Peoples' Rights, n.d. e). The AComHPR does not take actions against states which have not handed in their reports (Viljoen, 2012: 297). As the AComHPR has examined an average of two reports in each of its two sessions per year, it would have been unable to review all of the reports if all of them had been handed in in a timely manner (Viljoen, 2012: 355).

Nevertheless, some changes concerning the state reporting procedure have taken place in recent years:

Firstly, slightly more reports have been handed in and have been reviewed per year. Between 2008 and 2013, an average of 4 to 5 reports per year have been handed in (28 reports in 6 years) whereas between 1989 and 1994 only two to three reports per year were submitted (15 reports in 6 years). (African Commission on Human and Peoples' Rights, n.d. f) As far as the number of reports which have been reviewed per year is concerned, between 1991 and 1996 an average of three reports has been reviewed. Between 2006 and 2011, this number has increased to five to six reports annually reviewed by the AComHPR (Viljoen, 2012: 355 - 357). However, in 2012 only three reports and in 2013, only two reports have been considered (African Commission on Human and Peoples' Rights, n.d. f). No reasons have been given by the AComHPR in their final communiqués on these sessions for the lack of more reports being considered. It remains to be seen if this downwards trend will continue.

Secondly, while previously many of the reports that had been handed in did not show a serious reflection of the human rights situation in the respective state, (Mugwanya, 2001: 278), according to Viljoen the reports' quality has improved in more recent years (Viljoen, 2012: 298). As an example for the unsatisfactory quality of previous state reports, George William Mugwanya names one report by Nigeria 'which consisted of a few brief remarks and a photocopy of the table of contents of its partially suspended constitution' (Mugwanya, 2001: 278). In recent times, however, state reports oftentimes include a broader analysis of the states' human rights situation (Viljoen, 2011: 351 – 354).

Thirdly, while the AComHPR has formerly not issued a uniform comment on the reports but has only published remarks by individual members of the AComHPR (Mugwanya, 2001: 278), concluding observations are now adopted regularly (Rule 77 (1) Rules of

Procedure of the African Commission on Human and Peoples' Rights), though not always publicized (Viljoen, 2012: 297).

As regards the AChHPR's implementation through the AComHPR's promotional mandate in the form of the state reporting procedure, the picture is thus a mixed one: We can conclude that at least in the AComHPR's early years, the state reporting mechanism has not been taken seriously by the majority of the African states. The growing number and quality of reports which have been handed in more recently might however show that the states' attitude in this regard is slowly changing. This might be an indicator for the African states' growing commitment to complying with the AChHPR and thus a slowly increasing significance of human rights within the AU. Nevertheless as none of the studies and documents reviewed name reasons for the growing number of state reports which have been handed in, it cannot be ruled out with certainty that other factors than the states' growing commitment to human rights, e.g. improved domestic administrative structures, might also have contributed to this development.

4.1.2.1.3 Conclusion

To conclude, we can state that the AComHPR is beset by many problems: it is underfunded and its secretariat is severely understaffed and only meets twice a year for 10 to 15 days (Viljoen, 2011: 200). Even though the AComHPR is 'largely subservient to the political machinery of the OAU/AU' (Bekker, 2007: 171), the AComHPR has not been integrated into the AU structures as one of its organs; its seat is in Banjul, the Gambia and thus far away from Addis Ababa, Ethiopia, where the AU Commission, the AU's secretariat, is based. Viljoen summarises these circumstances by stating that 'the Commission has clearly been designed to accomplish very little' (Viljoen, 2012: 293). I agree with Viljoen's evaluation of the AComHPR's initial state: the AComHPR was designed as a rather weak institution for the enforcement of human rights showing the African states' missing will to properly implement and comply with the AChHPR's provisions. This becomes particularly apparent when considering that the AComHPR does not even possess the resources to review all of the state reports which should be submitted in a timely manner. The AComHPR has thus been designed to fail its tasks.

The AComHPR's significance has, however, increased considerably since its beginnings. Some of these modifications have been brought about by the AComHPR itself which has tried to strengthen its own role: These adjustments include inter alia the AComHPR's decision to consider individual communications, the revision of the AComHPR's rules to include a follow-up on its decisions and the introduction of concluding remarks on state reports. That support for this institution has grown rather than diminished based on the number of state reports handed in and the cases decided by the AComHPR indicates that the AChHPR's member states have acquiesced to these changes and accept the AComHPR's growing significance. Today, the AComHPR thus plays an important role in implementing the AChHPR and has been partly successful in influencing the state's conduct towards human rights. The fact that its growing importance is accepted by the African states and that they partly cooperate with it underlines the African states' growing commitment to human rights. The increasing significance of the AComHPR when it comes to implementing human rights could thus be seen as an indicator for the growing importance of the values contained in the AChHPR in the ARIS.

4.1.2.2 The African Court on Human and Peoples' Rights

Although the African states had initially decided against establishing a human rights court for monitoring the AChHPR, works on a draft of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter: Protocol on the Establishment of the Court) began in 1995 due to democratic changes within African states and campaigning by civil society organisations in the early 1990s (Viljoen, 2011: 201). The Protocol on the Establishment of the Court was adopted in 1998 and entered into force on 25 January 2004. The ACouHPR officially began its work in November 2006 (African Union, n.d.). While being primarily tasked with reviewing the AChHPR, the ACouHPR can also review all other regional and even international human rights instruments (Art. 3(1) Protocol on the Establishment on the Court). However, only 27 states have so far signed and ratified the Protocol on the Establishment of the Court (African Union, 2014a). This means that only cases against these 27 states can currently be considered by the ACouHPR which significantly decreases the ACouHPR's significance.

The Relationship of the ACouHPR with the AComHPR is clarified in Art. 2 Protocol on the Establishment of the Court: The ACouHPR shall complement the protective mandate of the AComHPR. The main difference between the two institutions is that according to Art. 28(2) Protocol on the Establishment of the Court, the ACouHPR can clearly take binding decisions whereas the legal character of the AComHPR's recommendations has oftentimes been disputed. Moreover, the Protocol on the Establishment of the Court contains remedies and a more substantive follow-up to the implementation of decisions and the ACouHPR can – in contrast to the AComHPR – take provisional measures (Viljoen, 2012: 414 – 416) and has done so in 2011 with respect to the situation in Libya. (African Court on Human and Peoples' Rights, 2011)

The AComHPR, state parties to the Protocol and African Intergovernmental Organizations can submit a case to the Court. (Art. 5 (1) Protocol on the Establishment of the Court). The African States have, however, voted against an automatic access for individuals and NGOs to the Court, a major difference between the ACouHPR and other regional courts like the European Court of Human Rights (Sceats, 2009: 9). In order for individuals and NGOs to bring cases against a state before the Court, the respective state must have issued a declaration according to Art. 34(6) of the Protocol on the Establishment of the Court (Art. 5(3) Protocol on the Establishment of the Court). So far, only seven states have issued such a declaration, namely Burkina Faso, Ghana, Malawi, Mali, Rwanda, Tanzania and most recently (deposited at the Court on 23 July 2013) Côte d'Ivoire (African Court on Human and Peoples' Rights, 2013a). Thus only individuals from these countries can bring a case before the ACouHPR

Currently, the official homepage of the ACouHPR names 27 cases which have been received by the court, eight of them pending (African Court on Human and Peoples' Rights, n.d.). While the majority of these cases has been initiated by individuals and NGOs, many of them have never reached the merits stage, in particular because the applicants came from countries which have not signed the declaration according to Art. 34(6) of the Protocol on the Establishment of the Court. Only one judgement of the Court concerning the merits of a case has been issued. This decision has been made on 14 June 2013 concerning applications by an individual and two NGOs (African Court on Human and Peoples' Rights, 2013b).

The ACouHPR will be replaced by the African Court of Justice and Human Rights by an AU Assembly decision of 1 July 2008. This new court will merge the African Court of Justice which should be established according to Art. 18 AU Constitutive Act with the ACouHPR for reasons of cost efficiency (Ouguergouz, 2012: 120). The African Court of Justice will be able to start its work when the Protocol on the Statute of the African Court of Justice and Human Rights has reached the 15 ratifications necessary for its entry into force. It has, however, currently only been ratified by five states (African Union, 2014c) and is thus still a long way from replacing the ACouHPR. This underlines the African States' reluctance to let others monitor their internal conduct.

Yet, as far as the ACouHPR is concerned, the ratification of the Protocol on the Establishment of the Court has also not yet far advanced: Currently, only 27 states have ratified the Protocol on the Establishment of the Court, another 24 states have signed but not ratified the protocol. (African Union, 2014a) Only half of the AU member states thus accept the court's jurisdiction. This number is rather low, which may come as a surprise when considering that the AComHPR has made progress towards the implementation of human rights in Africa in the last years and that states have been recently more willing to comply with the AComHPR mechanisms. It could have thus been expected that states would be more willing to accept and adopt human rights review mechanisms in general. Another surprising fact is that individuals and organisations have not been given automatic access to the ACouHPR and that currently only seven states have issued a declaration granting their individuals access to the ACouHPR, even though for more than two decades, individuals have been allowed to launch a complaints procedure before the AComHPR.

One reason for the relative failure of the ACouHPR can surely be seen in the confusing institutional framework concerning the judicial review of human rights: Today, three review mechanisms exist, namely the AComHPR, the ACouHPR and the African Committee of Experts on the Rights and Welfare of the Child. Yet another mechanism is planned to be established – the African Court of Justice and Human Rights.

I argue that the main reason for the failure of the ACouHPR as a review mechanism is that African states are still reluctant to accept outside supervision as this would restrict their sovereignty. The AChHPR's provisions regarding the establishment of the

AComHPR have been very vague and much of today's relative success of the AComHPR can be traced back to a gradual extension of the AComHPR's mandate by the AComHPR itself. The Protocol on the Establishment of the Court which contains the framework for the ACouHPR however comprises provisions which interfere directly with the member states' sovereignty, for example the explicitly binding form of its decisions, the remedies and the follow-up procedure. It should also be kept in mind that the AComHPR's individual jurisdiction has been established through the AComHPR's initiative whereas the respective provisions in the AChHPR are formulated in a rather ambiguous way. This might explain the reluctance of African states to include an explicit provision granting automatic access to the ACouHPR to individuals.

As Gina Bekker put it,

> *'[…] if anything is to be gleaned from the history of the drafting of the African Charter and the Protocol Establishing an African Court on Human and Peoples' Rights, it is that although African leaders are liable to make some concessions to outside demands, they will ultimately not do anything which will compromise their position of privilege and power.'*
>
> (Bekker, 2007: 172)

I thus argue that the fact that support for the AComHPR has grown whereas the ACouHPR is still beset by many problems can be seen as a proof for the fact that even though the significance of human rights in Africa has increased, states are not yet willing to promote human rights at the cost of their independence and sovereignty. The rather weak, quasi-judicial enforcement mechanism of the AComHPR might thus be better adapted to today's ARIS than the stronger enforcement mechanism of the ACouHPR. This reflects the objectives and principles of the AU Constitutive Act which place a high significance on the pursuit of human rights but also on the principles of sovereignty and non-intervention. It also shows that even though the solidarist project has slightly advanced within the AU as far as human rights are concerned, the further progress will depend on the fact to what extent states will be willing to allow interference in their internal affairs in the pursuit of joint values.

4.1.2.3 The African Committee of Experts on the Rights and Welfare of the Child

The African Children's Charter possesses its own supervisory mechanism, namely the African Committee of Experts on the Rights and Welfare of the Child (hereinafter: African Children's Right Committee). (Art. 32 African Children's Charter)

By ratifying the African Children's Charter, states automatically accept the African Children's Right Committee as a review and enforcement mechanism. The African Children's Right Committee's functions include the monitoring of the implementation of the African Children's Charter (Art. 42(3)b African Children's Charter), the interpretation of the African Children's Charter (Art. 42(3) c African Children's Charter), the review of state reports on the implementation of the African Children's Charter which are due every three years (Art. 43 African Children's Charter) and the examination of communications which it may receive from individuals, groups, NGOs or member states (Art. 44 African Children's Charter). The African Children's Right Committee does, however, not have any means to take binding measures in the case of one of the state parties not properly implementing the African Children's Charter.

The African Children's Right Committee met for the first time in May 2002 (Samb, 2009: 63). However, up until now, it has not played a major role in implementing the human rights contained in the African Children's Charter: The African Children's Right Committee only meets twice a year for three to five days and its permanent secretariat only employs one person (Viljoen, 2012: 398). As far as the states' cooperation with their task to regularly hand in reports on the implementation of the African Children's Charter is concerned, of the 41 states which have ratified the African Children's Charter, only 22 have so far handed in their initial reports. According to the African Children's Right Committee's website, no state has yet handed in any further periodic report, even though most of these reports would have been due by now (African Committee of Experts on the Rights and Welfare of the Child, n.d. a). In addition, many of the reports which have been handed in have not yet been examined which also means that no concluding recommendations have been given (Viljoen, 2012: 400 – 401). Whereas the African Children's Right Committee itself seems to be altogether satisfied with the quality of the reports it has reviewed, Frans Viljoen criticises 'the lack of information about actual implementation and pertinent issues such as budgetary allocation towards the realization

of children's rights as recurring themes' (Viljoen, 2012: 401). He furthermore criticises that the concluding recommendations which the African Children's Right Committee has issued after having examined the state reports 'have not always been adopted contemporaneously, thus losing the immediacy of their appeal' (Viljoen, 2012: 401). As far as the African Children's Right Committee's task to receive and examine communications is concerned, the committee has yet only received two communications (African Committee of Experts on the Rights and Welfare of the Child, n.d. b) of which only one has been decided upon (African Committee of Experts on the Rights and Welfare of the Child, n.d. c).

Altogether, the implementation of the African Children's Charter by means of the African Children's Right Committee has not yet far advanced, probably due to limited means of the African Children's Right Committee and the states' lack of willingness to comply with their obligations, in particular the obligation to hand in state reports. Both, the fact that only limited means to implement the charter have been allocated to the African Children's Right Committee by the states and the states' limited cooperation, suggest that the African states do not properly comply with the values incorporated in the African Children's Charter. The facts at hand thus suggest that the values incorporated in the African Children's Charter are to date not held and pursued by the ARIS as a whole.

4.1.3 Conclusion

In the course of the last decades, several human rights treaties have emerged on the African continent. However, the mere fact that new treaties have been adopted by the African states does not equate that the values contained in these treaties are really held by the ARIS. In order to know which values are pursued by the ARIS, we rather also have to take the treaties' number of ratifications and the states' compliance with them into account.

The African Women's Protocol and the IDP Convention have been ratified by a rather low number of AU member states. I thus argued that the low formal acceptance of these treaties suggests that the values contained in these instruments are not held by the ARIS as a whole. The lack of any sign of implementation of these treaties by means of review

and enforcement mechanisms supports this argument. As far as the OAU Refugee Convention which has been ratified by more states is concerned, I could also not see any signs for the states' implementation of and thus compliance with this instrument. The African Children's Charter does have its proper review mechanism, the African Children's Right Committee. This committee has, however, only been allocated limited means by its member states and states are barely cooperating with it, suggesting that the implementation of the African Children's Charter has not yet advanced very much. It can thus be doubted that the values incorporated in these treaties are held by the ARIS.

The best candidate for a treaty which contains values that are pursued by the ARIS as a whole is the AChHPR. It has been ratified by virtually all African states. As far as the AChHPR's implementation is concerned, two review and enforcement mechanisms have been put in place, namely the AComHPR and the ACouHPR. Even though the AComHPR is still affected by several problems, states have taken the AComHPR more and more seriously in recent years: Although many states are still late on their state reports, the number and quality of reports handed in has increased. Furthermore, states have shown greater cooperation in the course of the AComHPR's complaints procedure. The ACouHPR has, however, so far not achieved very much. Admittedly, it only began its work in 2006 and there is still the possibility that developments may gradually be achieved over time. Yet the fact that only half of the AU member states have so far ratified the Protocol on the Establishment of the Court and that individuals and NGOs can only bring claims before the ACouHPR if their governments have issued a separate declaration proves that states have been reluctant to pursue human rights by allowing others to interfere in their internal affairs.

The overall picture we get from this is that states have made some progress in implementing the human rights contained in the AChHPR. This implementation has in particular occurred through the mechanism of the AComHPR, whereas the ACouHPR has yet contributed only little to the AChHPR's implementation. Yet the fact that human rights have been implemented by means of the AComHPR shows that the ARIS as a whole at least partly complies with the values contained in the AChHPR.

As far as solidarist developments within the issue area of human rights in Africa are concerned, it can thus be stated that states have started to hold a certain number of

common values pertaining to cooperation between states, namely the ones contained in the AChHPR. In comparison to the early days of the OAU when no human rights treaties existed, the number of values which are pursued in this issue area has thus grown. However, African states are still protective of their sovereignty and their internal affairs and are only willing to accept limited interference in order to protect human rights. As far as Buzan's pluralist-solidarist spectrum is concerned, the fact that human rights are pursued shows that developments towards the more solidarist side of the spectrum have taken place. Yet as human rights have still not been fully implemented within the ARIS and as states are still not willing to sacrifice great parts of their sovereignty in order to protect human rights, these developments have not yet advanced far into the solidarist part of the spectrum.

However, at this point it needs to be stated that due to the lack of other available data, in particular with regard to the states' domestic conduct towards human rights, I have been forced to rely on the existence of enforcement and review mechanisms as the only indicators for the states' compliance. I could thus only monitor some aspects of the ARIS' compliance with human rights. The indicators available have shown that states have partly implemented the human rights contained in the respective treaties on a continent-wide level. Yet it cannot be ruled out that on a domestic level, states have taken further measures in order to implement the AChHPR or some of the other human rights instruments, for example by codifying human rights in their domestic law.

4.2 Art 4(h) AU Constitutive Act: The Right of the AU to Intervene in Its Member States

For decades, the OAU has been characterised by the primacy of the norm of non-interference into the internal affairs of its member states. It were the experience of having to idly stand by during the 1994 Rwandan genocide and the conviction that such human rights violations should not be repeated (Mwanasali, 2010: 392) which led to discussions on shifting from the doctrine of non-intervention to the doctrine of 'non-indifference' (see for example: Aning/ Atuobi, 2009: 108; Sarkin/ Paterson, 2010: 352; Kioko, 2003: 819).

This spirit contributed to the incorporation of a provision concerning the intervention into the internal affairs of AU member states into the founding document of the AU in Art. 4(h) AU Constitutive Act.

In this chapter, I want to shed light on the question if the ARIS has successfully introduced and implemented provisions concerning the intervention into its member states. Intervention according to Art 4(h) AU Constitutive Act concerns cooperation of states in pursuit of a common value, namely not standing idly by when human rights or peace and security within an African states are in danger. At the same time, intervention necessarily includes interfering into the internal affairs of another state. A pro-interventionist stance of the ARIS would thus equal a turn from pluralism to solidarism in this issue area.

4.2.1 The Legal Framework for the Right to Intervene

The right to intervention has first been introduced in Art. 4(h) AU Constitutive Act, a document ratified and thus formally accepted by all AU member states. Before analysing if state practice since the introduction of this norm is in line with this new doctrine in terms of compliance, I firstly want to elaborate on the content of this norm and in particular on possible contradictions within the AU Constitutive Act.

4.2.1.1 Incorporation of the Right to Intervene in the AU Constitutive Act

According to Art. 4(h) of the AU Constitutive Act, the AU has 'the right […] to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity' and according to the Protocol on the Amendments to the Constitutive Act of the African Union which has not yet entered into force also in cases of 'a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council'.

An intervention according to Art. 4(h) presupposes a decision by the AU Assembly, the 'supreme organ of the Union', consisting of the 'Heads of State and Government and their duly accredited representatives' (Art. 6(1) and 6(2) AU Constitutive Act). After the Protocol on Amendments to the Constitutive Act will come into force, the AU's Peace

and Security Council will also be able to recommend interventions in cases of 'serious threats to legitimate order or to restore peace and security to the Member State of the Union' (Article 4 of the Protocol on Amendments to the Constitutive Act of the African Union amending Article 4(h) of the AU Constitutive Act).

The wording of Art. 4(h) AU Constitutive Act has been the subject of discussions regarding the meaning of the term 'intervention': Ademola Abass argues that 'despite the article speaking clearly to intervention by the Union in its Member States', 'it goes against the history and policy of the AU to assume that it intended the provision as the basis for using force against its Member States' (Abass, 2012: 225). Such an interpretation would, however, contradict the law governing the interpretation of international treaties. According to Art. 31(1) Vienna Convention on the Law of Treaties, a 'treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose'. The ordinary meaning of intervention includes, as Abass himself implicitly admits, the use of force. Moreover, the object and purpose of Art. 4(h) is to avert genocides like the one which occurred in Rwanda in 1994 and the time of the adoption of the AU Constitutive Act has clearly been characterised by the shift from the doctrine of non-interference to non-indifference. This interpretation is also in line with the position which the AU took in the so-called Ezulwini Consensus (African Union Executive Council, 2005). The Ezulwini Consenus contains the common African position concerning the global norm of R2P and the AU elaborates that it 'intends to exercise full control over the implementation of RtoP in conflicts occurring in Africa' (Abass, 2012: 221). I thus argue that Art. 4(h) AU Constitutive Act allows for intervention by use of force against the will of the state. However, means to avert grave human rights violations which fall short of the use of force as well as a right to intervene with the consent of the member states (Art 4(j) AU Constitutive Act) have also been included in the AU Constitutive Act and the Peace and Security Council Protocol (Aning/ Atuobi, 2009: 96).

Even though not explicitly using the term 'R2P', Article 4(h) AU Constitutive Act is considered as the first incorporation of this principle into a charter of a regional organisation (Abass, 2012: 223; Williams, 2009: 400 - 401). As Musifiky Mwanasali correctly states, 'Articles 2 and 4(h), as well as other key provisions of its Peace and Security Council Protocol of 2002, do reflect the three duties prescribed by the norm:

prevention, reaction, and reconstruction' (Mwanasali, 2010: 396 – 397). One reason why the AU Constitutive Act does not use the term 'R2P' might be that it was already published on 1 July 2000 and entered into force on 26 May 2001. It thus preceded the 2001 'Report of the International Commission on Intervention and State Sovereignty' which coined this wording. Some authors thus even go as far as suggesting that R2P is a concept which originated from the African Continent (Williams, 2009: 397; Sarkin/ Paterson, 2010: 341).

4.2.1.2 The Principle of Non-Intervention and the AU's Right to Intervene: Irreconcilable Opposites?

While Art. 4(h) AU Constitutive Act allows for the intervention of the AU into its member states, some other provisions of the AU Constitutive Act and other AU documents seem to conflict with them: Art. 4(g) of the AU Constitutive Act and Article 4(f) of the AU Peace and Security Council Protocol emphasise the significance of the principle of 'non-interference by any Member State in the internal affairs of another'. Moreover, Art. 3(c) AU Constitutive Act and Art. 4(e) AU Peace and Security Council Protocol contain provisions concerning the respect for the AU member states' sovereignty and territorial integrity.

The normative framework of the AU thus seems to consist of provisions which are rather solidarist (intervention into the AU's member states) and which are rather pluralist in their nature (non-interference and respect for sovereignty and territorial integrity). Are these seemingly contradictory provisions really irreconcilable on a legal level?

One reasoning which tries to bring these different provisions in line states that as the R2P is an 'endorsement of the principle of sovereignty', an intervention which is in accordance with the relevant provisions of the AU Constitutive Act (and the UN Charter) does not equal an infringement of the principle of non-intervention but rather a measure in order to protect international stability (Kabau, 2012: 56). It is furthermore argued that human rights issues do not constitute 'internal affairs' of a member state and that an intervention in order to protect human rights does thus not constitute an intervention into the internal affairs of an AU member state (Kindiki, 2003: 106).

If we take a look at the political reality of the AU, we must, however, assert that even though these statements might be true for the concept of R2P on a global level, this is not necessarily true for the concept of R2P on the level of the AU: The legal framework of the AU does not suggest an interpretation like the one by Kabau and Kindiki. Within the AU, as Kabau correctly states, the concepts of sovereignty and intervention rather lack 'a framework of complementarity and synergy between them' (Kabau, 2012: 62), the consequence being that the relationship between sovereignty, human rights and intervention is not as far theoretically elaborated as this is the case on a global level. However, it has to be noticed that that the creation of the R2P at the AU level preceded the Report of the International Commission on Intervention and State Sovereignty (Evans/ Sahnoun, 2001), the Report of the Secretary General's High-level Panel on Threats, Challenges and Change (Panyarachun, 2004) and the 2005 World Summit Outcome (United Nations General Assembly, 2005) which coined the concept of R2P on a global level. There are no documents which suggest that the concept of R2P within the AU is based on a theoretical construct which is congruent with the one which has been developed on a global level, although the two are similar.

More persuasive and in accordance with the political reality of the AU is the argument that the wording of Article 4(g) AU Constitutive Act does only prohibit member states of the AU but not the AU itself to intervene in the internal affairs of its member states (Kindiki, 2003: 106; Gumedze, 2010: 155 -156). As Gumedze put it, 'no AU member state may interfere in the internal affairs of another member state but may intervene through the AU which has a right to do so in terms of the Constitutive Act' (Gumedze, 2010: 156).

While this resolves the contradiction between the pluralist elements of non-intervention and the rather solidarist R2P-principle on a legal level, it remains to be seen if this balance between the AU's right to intervene on the one hand and the pivotal importance of sovereignty and non-intervention on the other hand has been successfully implemented in the ARIS' practice. I will try to shed light on this question in the following chapter.

4.2.2 Implementation of the Right to Intervene

In order to see if the R2P principle has really been incorporated within the ARIS, it is not sufficient to solely look at the written commitments of the AU but we also have to take the subsequent state practice into account which is an indicator for the states' implementation of and compliance with Art. 4(h) AU Constitutive Act.

In order to see if the AU member states' behaviour is in conformance with their written commitments, I will analyse cases in which grave human rights violations have occurred on the African continent and which have been discussed with an R2P focus in the relevant literature or by the international community. I will then analyse which actions the AU has taken, in particular if it has intervened against the will of the state, and if references to Art. 4(h) AU Constitutive Act have been made.

4.2.2.1 Mediation in Kenya 2008

After the December 2007 presidential elections, Kenya had to face an outburst of violence which led to over 1,000 Kenyans being killed and over 600,000 persons being displaced in the course of two months (Global Centre for the Responsibility to Protect, 2013: 1). The crimes committed during this time were said to amount to crimes against humanity (Langer, 2011: 10). During the crisis, politicians called for a reaction 'in the name of the responsibility to protect'. (International Coalition for the Responsibility to Protect, n.d. a) Moreover, Ban Ki-moon, and Francis Deng, the secretary general's special advisor for the prevention of genocide, reminded the Kenyan government of their responsibilities to protect their population and thus explicitly used R2P language. (Bellamy, 2010: 154)

Although not intervening militarily, from January 2008 onwards mediations called the 'Kenya National Dialogue' have been led by an AU Panel of eminent personalities led by Kofi Annan from January 2008 onwards. The mediation has been fruitful and it is widely cited as the first successful example of 'R2P in practice' (Global Centre for the Responsibility to Protect, 2013: 1; see also: Langer, 2011: 2; Ban, 2009: para. 51) and a 'perfect example of how RtoP is meant to work' (Abass, 2013: 226; see also: Human Rights Watch, 2008: 67). The AU itself, however, did neither play a central role in the resolution of this conflict, nor has it considered the situation by using R2P language. The

mediation process was rather supported by 'Ghana's John Kufuor, "probably" based on his position as the Chairman of the AU, former individual heads of states, and other prominent or influential Africans in their personal capacity' (Ikejiaku/ Dauda, 2011: 75).

Even though the mediation in Kenya might thus be an example for the implementation of R2P norms, it cannot be considered as an example for an AU intervention in accordance with the normative framework established in the AU Constitutive Act.

4.2.2.2 The Conflict in Darfur/ Sudan

In February 2003, a conflict between African and Arab clans in the Darfur region of Sudan developed into a full-blown civil war when partly violent protests by the African-Sudanese Justice and Equality Movement (JEM) and the Sudanese Liberation Army (SLA) were put down brutally by the Janjaweed militia. The Janjaweed militia has not only acted on the Sudanese president's Omar al-Bashir's orders but has also been supplied with weapons by the government in Khartoum. In the course of their action, the Janjaweed militia destroyed and looted villages and used force against the civilian population. This led to a massive flow of refugees, displaced to infertile regions, starving to death or dependent on foreign emergency aid. In 2004, one third of the population of Darfur had been displaced (Wernert, 2011: 64 - 66). Since 2003, 300,000 people have died in Darfur according to estimates by the UN (United Nations News Centre, 2014), starved to death or killed by the hands of groups like the Janjaweed militia.

The conflict in Darfur gained widespread international attention and great parts of the international response was cast in terms of the R2P framework (Williams, 2009: 406 – 407).

Even though it took the AU until early 2004 to react, the AU has engaged in various ways to resolve the Darfur conflict. After having reached an agreement with the Government of Sudan, the AU deployed AMIS (AU Mission in Sudan) in 2004. Between 2004 and 2007 the AMIS troops were the only foreign troops engaged in the conflict. AMIS can be seen as an example for the implementation of Art. 4(j) AU Constitutive Act which pertains to intervention into a member state with the respective state's consent, although no explicit reference to this provision has been made.

AMIS has first been planned as a monitoring mission after the failure of the 2004 Humanitarian Ceasefire Agreement and started off with only 60 people tasked with monitoring 256,000 km² (Wernert, 2011: 71 – 72). The troop size has, however, been increased up to a personnel of 7,000 at peak time, among these 1,350 civilian policemen and –women (Auswärtiges Amt, 2012) While the first mandate of AMIS allowed the troops to use force solely to protect their own personnel (African Union, 2004a), this mandate has been changed only 5 months later to a mandate which not only explicitly made reference to the protection of civilians but also used language which is typical for the concept of R2P. For example, it tasked AMIS to '[p]rotect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the GoS [Government of Sudan]' (African Union, 2004b: para. 6).

AMIS was confronted with several problems when trying to fulfil its mandate. Apart from 'increased violence and a deteriorating security situation on the ground' (Mwanasali, 2010: 398) which hampered AMIS' task to control the situation and protect civilians, the biggest issue the mission had to face was a lack of funds: the AU did not have the financial means to support the mission itself and had to rely on funding from donor countries. This financial insecurity made it hard to plan ahead (Wernert, 2011: 73).

In 2007, with AMIS being considered 'incapable of the task at hand' (Mwanasali, 2010: 398), AMIS was replaced by the United Nations-African Union Hybrid Mission in Darfur (UNAMID). The mandate of UNAMID is extended on a yearly basis with the current mandate ending on 31 August 2014 (United Nations Mission in Darfur, n.d.).

In addition to implementing AMIS and participating in UNAMID, the AU has taken several other measures aimed at resolving the conflict:

In 2004 the AU initiated the Abuja talks between the Government of Sudan, the SLA and the JEM under the auspices of the AU Commission and the Peace and Security Council. This lead to the signing of the Humanitarian Ceasefire Agreement on 8 April 2004, followed by the Comprehensive Ceasefire Agreement in May 2004. Only after both agreements were ignored and the fights went on (Wernert, 2011: 69) did the AU deploy AMIS. Even after the deployment of AMIS, the AU engaged in and furthered the mediation process, leading to the 2006 Darfur Peace Agreement between the Minnawi

wing of the SLA and the Sudanese Government (Wernert, 2011: 70), a much more extensive peace agreement which did, however, not bear any fruits in the long term (Williams, 2009: 405). Since 2008, peace talks continue in Doha with Djibril Bassolé being the joint African Union-United Nations Chief Mediator for Darfur.

The AU's commitment in Sudan is oftentimes considered a partly failure as too little has been done too late and as results have been slow and only moderately fruitful. It is also criticised that in the course of the meetings concerning the situation in Darfur in the AU Headquarters 'not once did any of the AU States or their officials canvass for humanitarian intervention, or any type of non-consensual action for that matter'. (Abass, 2012: 226; see also: Williams, 2009: 407)

In its actions, the AU did not refer to Art. 4(h) AU Constitutive Act, although the 'grave circumstances' (Art. 4(h) AU Constitutive Act) would have allowed the AU to do so.

According to Paul D. Williams,

> *[t]his raises questions about the practical value of Article 4(h) of the AU Constitutive Act: if the atrocities in Darfur are not considered serious enough to meet the threshold of "grave circumstances" specified in the Act, what level of atrocities will it take to actually invoke this Article?*
>
> (Williams, 2009: 407)

Nevertheless, I argue that with regard to the implementation of R2P and thus with regard to interference in the African states' internal affairs, the AU's intervention in Sudan has been a small step forward: Within the debates concerning the situation in Darfur, express reference has been made to the language of R2P. Apart from deploying AMIS, the AU engaged in several other ways in resolving the conflict, particularly as a mediator. As a result, the AU has been seen as one of the main actors as far as the international response to the situation was concerned (Williams, 2009: 407).

Yet the situation also showed that despite its commitment the AU did not have the financial capabilities and the personnel to resolve the conflict with its own means. The AU's reaction to the Darfur conflict also revealed the AU's reluctance to act without the consent of the respective state and thus its reluctance to use Art. 4(h) AU Constitutive Act.

4.2.2.3 The Situation in Zimbabwe – a Missed Opportunity for African R2P?

Since its independence in 1980, Zimbabwe has been ruled by Robert Mugabe – since 1980 as the head of government, since 1987 as the head of state. The situation in Zimbabwe escalated after the March 2008 presidential and parliamentary elections. For the first time since 1980, Robert Mugabe's party, the ZANU-PF, came second in the parliamentary elections which were won by the Movement for Democratic Change (MDC). At the same time, MDC's Morgan Tsvangirai was able to receive more votes than Mugabe in the presidential elections, making a run-off necessary (International Crisis Group, 2008: 1; Ikejiaku/ Dauda, 2011: 68). The ZANU-PF, however, tried to counteract these results and force victory by means of withholding the results of the elections for two weeks and 'launching a country-wide campaign of violence, repression, and intimidation' (Ikejiaku/ Dauda, 2011: 68). This 'state-sponsored violence' included 'torture, beatings, mutilations and rape', committed mainly against members and supporters of the opposition party (International Coalition for the Responsibility to Protect, n.d. b).

While it was internationally agreed on that serious crimes had been committed against the opposition in Zimbabwe, debates between scholars revolved around the questions if these crimes were grave enough to trigger and justify a response in terms of R2P (International Coalition for the Responsibility to Protect, n.d b). In response to the crisis in Zimbabwe, members of the UN Security Council had considered the use of R2P but were barred from actually taking any measures by one of the veto-holding powers (Knight, 2008).

Response to the crisis by the AU however was considered 'minimal and inadequate' (International Coalition for the Responsibility to Protect, n.d. b). Its involvement during this crisis centred primarily on the 2008 elections. Whereas international commentators criticised these elections as 'fraudulent' (Williams, 2009: 410 – 412; see also: Ikejiaku/ Dauda, 2011: 68), the AU expressed its 'satisfaction […] over the success of these elections, which were conducted in a peaceful and orderly manner' (African Union, 2008a). The only criticism voiced concerned the delay in the official announcement of the results and urging the authorities 'to announce the results without any further delay' (African Union, 2008a). Other actions by the AU included calling for the timely creation

of a Government of National Unity in Zimbabwe and voicing support for the work of the South African President Thabo Mbeki (African Union, 2008b) who for years acted as a mediator in Zimbabwe on behalf of the Southern African Development Community.

Even though the international community has been at odds over the question whether the crisis in Zimbabwe could trigger an R2P response, it is striking that the AU neither acknowledged the seriousness of the crimes committed, nor referred to Art. 4(h) AU Constitutive Act or the concept of R2P in general. As Paul D. Williams put it, '[i]n the case of Zimbabwe's decade-long crisis, use of R2P language by African governments has been notable only for its almost complete absence' (Williams, 2009: 409). This demonstrates that the AU faces difficulties 'in operationalising the R2P in response to campaigns of state terror and oppression that are conducted by a functioning government which manages to prevent the outbreak of an armed insurgency'(Williams, 2009: 412).

4.2.2.4 The AU's Non-Involvement in the Libyan Civil War 2011

In February 2011, protests broke out in Tripoli, Libya's capital, and quickly spread to the whole country, demanding the end of Colonel Muammar Gaddafi's 41-year rule. The situation quickly escalated, in particular in Benghazi, the opposition's stronghold, when Gaddafi announced to show 'no mercy' to rebels and 'to cleanse Libya house by house' until protesters surrendered (International Coalition for the Responsibility to Protect, n.d. c). In the course of the civil war which has broken out, thousands of people were killed on both sides during the fights (Black, 2013).

International debate on the situation in Libya was widely cast in R2P language. In Particular, the UN Security Council adopted Resolution 1970 which affirmed 'the Libyan authorities' responsibility to protect its population' (United Nations Security Council 2011a). As the non-military solution proposed in Resolution 1970 failed, the UN Security Council adopted Resolution 1973 which allowed military intervention in Libya (United Nations Security Council, 2011b) and subsequently led to the NATO and other states intervening in Libya. UN Secretary General Ban Ki-moon called Resolution 1973 'a historic affirmation of the global community's responsibility to protect people from their own government's violence' (United Nations News Centre, 2011).

The AU, however, made no reference to R2P or Art. 4(h) AU Constitutive Act during the crisis. While the AU Peace and Security Council recognised the seriousness of the situation, stating that there has been 'indiscriminate use of force and lethal weapons' which has led to 'loss of life, both civilian and military' it nevertheless rejected 'any foreign military intervention, whatever its form' (African Union Peace and Security Council, 2011). Instead, the AU concentrated on finding a political solution and set up an ad hoc Committee on Libya which tried to engage government and opposition forces in following a roadmap in order to peacefully resolve the conflict (African Union, 2011). However, the quest for a political solution failed due to a lack of cooperation by the opposition forces (International Coalition for the Responsibility to Protect, n.d. c).

It is noteworthy though that another AU organ has tried to encourage a resolution of the Libyan civil war: On 25 March 2011, the ACouHPR ordered provisional measures concerning the situation in Libya, namely that

> *[t]he Great Socialist People's Lybian Arab Jamahiriya must immediately refrain from any action that would result in loss of life or violation of physical integrity of persons, which could be a breach of the provisions of the Charter or other international human rights instruments to which it is a party.*
>
> (African Court on Human and Peoples' Rights, 2011: para. 25)

However, this 'progressive approach' of the ACouHPR which has been 'consistent with the responsibility to protect concept' (Kabau, 2012: 72) did not bear fruits due to the AU's refusal to take any action in Libya: The implementation of the provisional measures would have necessitated the cooperation of the AU: Art. 64(2) of the Rules of Court of the African Court on Human and Peoples' Rights tasks the AU Executive Council with monitoring the implementation of the court's decisions on behalf of the AU Assembly.

The ARIS did thus miss out on another possibility to implement Art. 4(h) AU Constitutive Act even though the circumstances would have called for actions by the AU beyond its attempts to find a political solution. In comparison to the AU's relative inaction in Zimbabwe, this time the AU recognised the grave circumstances but decided to nevertheless remain mainly passive. If the AU's commitment in Darfur has been a step

forward for the implementation of R2P in Africa, its inaction in Libya has been a step backwards.

It should nevertheless be noted that part of the AU's unwillingness to intervene in Libya can be traced back to a reluctance to take actions against Gaddafi: Not only had Gaddafi initiated the emergence of the AU as a new continental organisation but he had also been one of its greatest financial contributors and an advocate of pan-African ideals. Moreover, he had vastly invested in the infrastructure and economy of many African states (International Coalition for the Responsibility to Protect, 2011). These circumstances let the situation in Libya stand out from other conflicts and might explain the AU's reluctance to consider anything but a political solution of the Libyan civil war.

4.2.3 Conclusion

While at first glance, the AU seems to have taken a vanguard role internationally as far as the incorporation of the R2P principle within its Constitutive Act is concerned, its implementation of this project could not yet keep pace with its ambitious plans. Until now, the AU has not yet taken direct recourse to Article 4(h) of its Constitutive Act but has preferred to either get the state's permission before intervention (as in the case of Sudan), to remain mainly passive (as in the cases of Kenya and Zimbabwe) or to pursue political solutions (as in the case of Libya).

When it comes to intervention, the AU thus strives for cooperation with the respective state and has not yet been ready to intervene if this would be against the state's will. The African states' reluctance to let others interfere into their internal affairs without their explicit permission which we could already observe in the African states' attitude concerning the implementation of human rights is thus mirrored in their conduct towards intervention. To put it bluntly, in the AU's practice, the provisions concerning non-intervention and sovereignty contained in the AU Constitutive Act and Art. 4(h) AU Constitutive Act are reconciled by simply ignoring the latter.

As Tom Kabau stated:

> *The unwillingness to implement the AU's forceful intervention mandate where consensual intervention or peacekeeping is inappropriate or insufficient is a*

demonstration of the continued constraints of some of the traditional concepts of State sovereignty.

(Kabau, 2012: 74 – 75)

Nevertheless, the case studies also show that although the African states are not yet ready to accept and pursue intervention without the state's prior consent, a state's sovereignty is no longer considered as absolute as it used to be in early OAU days and a state's internal affairs are no longer seen as belonging solely to its responsibility. The AU got involved in conflicts and strived for their resolution in various ways short of military intervention.

Even though Art. 4(h) AU Constitutive Act has so far been ignored, a better way to describe the AU's attempt to reconcile the AU Constitutive Act's interventionist provisions and the ones pertaining to non-intervention and state sovereignty would be: While a state's internal affairs are no longer seen as belonging solely to the respective state's responsibility and while the AU is willing to interfere when human rights, peace and security are in serious danger, the AU will try to find consent-based solutions and will avoid taking actions without the respective state's prior consent. It is doubtable if this approach will suffice to prevent grave human rights violations in the future. Yet it is a step forward from the absolute inviolability which state sovereignty enjoyed during early OAU times.

In terms of pluralism and solidarism, the AU's conduct with regard to intervention shows that sovereignty still plays an important role within the ARIS. The fact that Art. 4(h) AU Constitutive Act has not yet been implemented indicates that a value concerning intervention in AU member states in case of grave human rights violations without their explicit consent as codified in this provision is not complied with. Accordingly, such a value is not 'held' within the ARIS. The issue area of 'intervention in AU member states' must thus be positioned on the rather pluralist side of Barry Buzan's pluralist-solidarist spectrum. However, the fact that the AU has interfered in other ways in order to resolve internal conflicts indicates that the ARIS is gradually moving towards the more solidarist part of this spectrum as far as the issue of intervention is concerned.

4.3 Economic Integration and Cooperation: The African Economic Community and the Role of the Regional Economic Communities

The African continent is one of the poorest regions in the world, with 56 % of the population living on less than 1.25 $ per day in 1990, representing 15% of the global share of poverty. Although by the year 2000, this figure dropped to 48 % of Africans falling beneath the 1.25 $ a day threshold, they now account for 30% of the global population as economic growth in other regions of the world is progressing faster (Chandy/ Ledlie/ Penciakova, 2013). Africa is also lagging behind if we take a look at other economic figures: In recent years, only 12% of the African trade has been intra-African trade (Pugliese, 2014) and still only 1,8% of the global goods are imported to Africa while merely 3,6 % of exports originate from the African continent (Sy, 2014).

It was both the wish to improve Africa's economic standing in comparison to the rest of the world and pan-Africanist ideals which led African states to pursue enhanced economic integration and cooperation in response to the continent's economic distress (Mbenge/ Illy, 2012: 187 – 190). In 1991, an ambitious agenda towards advanced economic integration in Africa has been initiated by the Treaty Establishing the African Economic Community (Abuja Treaty) which envisages the full establishment of a continent-wide AEC including a customs union, a common market and a monetary union by the year 2028.

The purpose of this chapter is to monitor to what extent values regarding economic integration and cooperation are pursued within the ARIS. Though less frequently cited in the context of pluralism and solidarism, economic cooperation and integration are perfect examples for solidarist developments (Buzan, 2004: 151 – 152). Whereas economic cooperation concerns, as the name indicates, the pursuit of common values regarding cooperation, economic integration which entails the mutual adjustment of domestic and regional rules and (secondary) institutions concerns the cultivation of 'becoming more alike as a conscious goal' (Buzan, 2004: 146) and thus the pursuit of values pertaining to convergence.

In what follows, I will firstly introduce the Abuja Treaty's framework which contains common values relevant to the issue area of economic cooperation and integration. In a second step I will monitor to what extent the African states have realised the goals

contained in the Abuja Treaty by examining if the steps towards the formation of the AEC have been accomplished in a timely manner. Thirdly, I will analyse which steps have been taken on an AU-wide level in order to facilitate and further the goals concerning economic cooperation and integration contained in the Abuja Treaty.

4.3.1 The Abuja Treaty's Framework for Economic Cooperation in Africa

While the coordination and harmonisation of the African states' economic politics has already found its way into the OAU Charter as one of the organisation's purposes, (Art. 2 (2) b OAU Charter) until the late 1970s, 'hardly anything was done' (Mei, 2009: 14). In 1980, the OAU adopted the Lagos plan of action for the economic development of Africa and the Final Act of Lagos. The Final Act of Lagos already included a plan to set up an AEC by the year 2000 in order to advance economic, social and cultural integration in Africa. (Mbenge/ Illy, 2012: 190) However, the Lagos plan of action did not specify how the goal of economic integration of the African continent should be implemented (Tavares/ Tang, 2011: 222).

It was only on 3 June 1991 that by means of the Abuja Treaty a 'roadmap' (Tavares/ Tang, 2011: 222) towards a growing economic integration of the African Continent had been adopted. The Abuja Treaty has up to date been ratified by 49 of the 54 AU member states (African Union, 2010) and entered into force on 12 May 1994. Today, the Abuja Treaty's institutions and function have been integrated into the AU (Art. 98 (1) OAU Treaty, Art. 33 (1) AU Constitutive Act; Packer/ Rukare, 2002: 372). Virtually all AU member states have thus formally committed to pursuing economic integration and cooperation as envisaged by the Abuja Treaty.

The Abuja Treaty envisages the incremental implementation of an AEC in order to promote the continent's economic development and to further Africa's integration into global trade (Mbenge/ Illy, 2012: 191). The main objectives pursued by the Abuja Treaty are, according to Art. 4 Abuja Treaty, the furthering of 'economic, social and cultural development and the integration of African economies in order to increase economic self-reliance and promote an endogenous and self-sustained development' (Art. 4(1)a Abuja Treaty), the creation of a continent-wide framework for development (Art. 4(1)b Abuja

Treaty), enhanced ‘co-operation in all fields of human endeavour in order to raise the standard of living of African peoples, and maintain and enhance economic stability’ (Art. 4(1)c Abuja Treaty) and the coordination and harmonisation of ‘policies among existing and future economic communities in order to foster the gradual establishment of the [African Economic] Community ‘ (Art. 4(1)d Abuja Treaty).

In order to achieve these objectives, the Abuja Treaty sets out a ‘roadmap’ (Sy, 2014) containing 6 steps which should be taken in order to establish an AEC by the year 2028 and specifies a time frame for each of these steps.

(1) The first of these stages concerns the creation and strengthening of Regional Economic Communities (RECs): By the year 1999, every state was supposed to join an REC. Where needed, new RECs should have been established (Art. 6(2)a Abuja Treaty).

(2) By the year 2007, internal taxes, trade and non-trade barriers should have been consolidated in a second step. Moreover, ‘sectoral integration at the regional and continental levels’ should be strengthened ‘particularly in the fields of trade, agriculture, money and finance, transport and communications, industry and energy’ (Art. 6(2)b Abuja Treaty).

(3) The third stage includes the creation of free trade areas (FTAs) and customs unions within each of the existing RECs by means of adopting common external tariffs by the year 2017 (Art. 6(2)c Abuja Treaty).

(4) No later than 2019, the fourth step, the creation of a continental customs union shall be completed (Art. 6(2)d Abuja Treaty).

(5) 2023 is the target date for the establishment of an African common market envisaged as stage 5 of the integration process. By this date, persons should be able to move freely on the continent and to establish their residence as well as their firms wherever they want to. Moreover, the states’ ‘monetary, financial and fiscal policies’ shall be harmonised and ‘a common policy in several areas such as agriculture, transport and communications, industry, energy and scientific research’ should be adopted (Art. 6(2)e Abuja Treaty).

(6) As a final step, the treaty envisages the full establishment of the AEC, comprising inter alia the finalization of the African common market including not only the free

movement of people but also of goods, services and capital and the formation of a continent-wide monetary union, by the year 2028 (Art. 6(2)f Abuja Treaty).

In particular the last three steps of the schedule show that the AEC, when fully established, should possess certain similarities to the EU. It is thus to be expected that the ARIS as a whole will become more solidarist and progress significantly along the solidarist part of Barry Buzan's pluralist-solidarist spectrum if the AEC will indeed be fully implemented in the future.

4.3.2 Compliance With and Implementation of the Abuja Treaty's Goals

4.3.2.1 Timely Achievement of the Abuja Treaty's Goals

As I have shown in Chapter 2.3, implementation of and compliance with given values are important factors which can tell us if a value is really held within an international society. One indicator for the compliance with the values of economic integration and cooperation in Africa is the implementation of the Abuja Treaty's goals. In this chapter I want to analyse if the steps towards the implementation of an AEC have been realised as envisaged in the Abuja Treaty. This will show me if the values of economic cooperation and integration are complied with and if values pertaining to cooperation and convergence and thus solidarist values are held within the ARIS.

The guideline for this evaluation will be the schedule presented in Art. 6(2) AEC Treaty according to which integration should be pursued first on the level of several RECs and then on a continental level. In accordance with this timetable, firstly, RECs should have been established and strengthened and the African states should have become a member of one of these RECs by the year 1999. Secondly, internal taxes, trade and non-trade barriers should have been consolidated by the year 2007 and the states should now work towards the third stage envisaged by the Abuja Treaty, namely the creation of FTAs and customs unions within each of the RECs until the year 2017.

In 2006, the AU has decided that eight RECs should be considered as the building blocks for the AEC and that no further RECs should be recognised for the time being (African Union, 2006). These RECs are (1) AMU (Arab Maghreb Union), (2) ECOWAS

(Economic Community of West African States), (3) COMESA (Common Market for Eastern and Southern Africa), (4) ECCAS (Economic Community of Central African States), (5) IGAD (Intergovernmental Authority on Development), (6) CEN-SAD (Community of Sahel-Saharan States), (7) EAC (East African Community) and (8) SADC (Southern African Development Community).

However, as the following table shows, the RECs progress at different paces towards the goal of economic integration and have reached different stages of implementing the Abuja Treaty:

Status of Integration	AMU	ECOWAS	COMESA	ECCAS	IGAD	CEN-SAD	EAC	SADC	Abuja Treaty
1st Stage: Strengthening of the RECs	(-)	✓	✓	✓	✓	✓	✓	✓	1999
2nd Stage: a) Regional coordination and harmonization of activities	(-)	✓	✓	✓	✓	✓	✓	✓	2007
b) Elimination of regional tariff and non-tariff barriers	-	✓	✓	✓	-	-	✓	✓	
3rd Stage: a) Regional FTAs	-	✓	✓	✓	-	-	✓	✓	2017
b) Regional Customs Unions	-	-	✓	-	-	-	✓	-	

✓ progress realised
- progress not realised
(-) if progress has taken place is disputed among the sources used

Table 1: Progress in the RECs according to the Abuja Treaty's stages

(Table compiled by the author using data from Ajumbo, 2012: 2; Sy, 2014 and African Union Commission, 2013: 20)

As can be seen in the table, the implementation of stage 1 of the Abuja Treaty has already progressed pretty far with some authors concluding that this stage has already been accomplished (Pugliese, 2012). Eight RECs have been established as the building blocks of the upcoming AEC. All African states have joined at least one of these RECs. In 2010, 27 of the then 53 African states were members of two RECs, 18 were members of three

RECs and the Democratic Republic of Congo was a member of four RECs (Tavares/ Tang, 2011: 224). However, in order for the first stage towards economic integration to be completed, RECs do not only have to be created but they also have to be strengthened (Art. 6(2) Abuja Treaty). This has not been the case with the AMU. The AMU has five member states from North Africa, among others Morocco which withdrew its OAU membership in 1984 and has since then not rejoined the OAU/AU. Since the AMU has been founded in 1989, it has 'been characterized by its total inaction', with the relevant Council of Heads of State not having met since 1994 (Hassar, 2013). The AMU has opted out of the 1998 Protocol on Relations between the African Economic Community and the RECs and has not signed the subsequent 2007 Protocol on Relations between the AU and the RECs (Tavares/ Tang, 2011: 222). Progress towards further integration is impeded by political problems between its member states (African Union Commission, 2013: 30). Thus no measures have been taken in order to strengthen the AMU. It has hence not yet achieved stage 1 of the Abuja Treaty.

Stage 2, the consolidation of taxes, trade and non-trade barriers, was supposed to be completed by 2007 but has not yet been fully implemented 'because progress by regional blocs and the countries within them has been uneven' (Sy, 2014). IGAD in East Africa is in particular lagging behind, currently still 'working towards harmonising trade policies, procedures and standards for increased trade among Member States, and to facilitate and coordinate the development of intra-regional infrastructure' (African Union Commission, 2013: 30).

Stage 3 envisaged by the Abuja Treaty includes the establishment of FTAs and customs unions at regional level. The progress on the implementation of this stage is also advancing at different speeds in the different RECs and while '[m]ost RECs have laid out the legal framework to provide for the movement of people, […] insecurity, illegal activity and road infrastructure has delayed implementation' (Sy, 2014). Currently, five RECs have established FTAs and two RECs have already launched customs unions. Among these RECs, the EAC in East Africa is seen as the one who has progressed the most as it already possesses an FTA, a customs union (since 2009) and a common market (since 2010). By 2015, a common currency shall be introduced (Sy, 2014). An EAC passport, though currently only distributed to a few people, is envisaged for 'full roll-out' by 2016 (Sy, 2014). COMESA in Eastern and Southern Africa is another example for

successful regional integration. Its customs union has been established in 2009. A regional FTA exists since 2010, yet only 14 of COMESA's 19 member states participate in it. ECOWAS in West Africa has established an FTA in 2006 but does not yet possess a customs union. It has, however, already significantly progressed as far as labour mobility within the region is concerned by establishing a common ECOWAS passport for the citizens of Benin, Ghana, Guinea, Liberia, Niger, Nigeria and Senegal. Within the SADC in Southern Africa, an FTA exists since 2008. The self-imposed deadline for the establishment of a customs union, 2013, has however, not been met. As the customs union should only be established by 2017 according to the AEC Treaty, the SADC is nevertheless still on schedule. In 2004, an FTA has also been established in ECCAS. ECCAS is, however, currently struggling with the implementation of this FTA (Sy, 2014).

As between the different RECs significant tariff barriers are still in place, the realisation of stage 4, the creation of a continental customs union envisaged to be completed by 2019, is still not within reach (Mevel/ Karingi, 2013: 285).

Nevertheless, some progress towards supraregional integration is currently made in Africa as three of the most advanced RECs, namely EAC, COMESA and SADC are working towards a Tripartite FTA. The main goal of this endeavour is 'to reduce the "spaghetti bowl" effect of overlapping membership' (Sy, 2014). This Tripartite FTA will comprise 26 countries with 600 million people and will have a GDP of nearly 1 trillion dollar (Schneidman, 2014). However, the Tripartite FTA is currently still in the negotiation phase (African Union Commission, 2013: 163 – 170).

To sum up, we can thus conclude that the RECs are progressing at different paces towards the goal of establishing an AEC and are using different procedures in order to enhance their economic integration (Tavares/ Tang, 2011: 225). EAC, COMESA, ECOWAS, SADC and to some extent ECCAS are seen as the economic communities which are progressing faster at the level of regional integration, (Sy, 2014) with the EAC being the community having advanced most with regard to the Abuja Treaty's stages (Mevel/ Karingi, 2014: 285; Sy, 2014). These five RECs have also realised the Abuja Treaty's stages in a timely manner. CENSAD, AMU and IGAD are the RECs lagging behind the goals of the Abuja Treaty (Sy, 2014).

However, economic progress at different paces cannot only be observed between different RECs but also among the countries belonging to the same REC (Sy, 2014). Within the economically most advanced REC, the EAC, Burundi is considered a fragile state according to the International Monetary Fund and has been increasingly isolated in recent years (Sy, 2014). Another example is ECOWAS in West Africa. While being among the more successful of the RECS, some of its member states, namely Ivory Coast, Guinea, Guinea Bissau, Liberia and Togo are fragile states according to the International Monetary Fund (Sy, 2014). Uneven progress among states of one regional grouping can be a problem as '[c]ountries with different economic classifications favour different policies' (Sy, 2014).

One of the major obstacles to an efficient enactment of the stages envisaged in the AEC Treaty is the 'regional overlap among economic communities' (Tavares/ Tang, 2011: 223) as many African states are members of two or more RECs. Multiple memberships come along with 'technical, administrative and financial challenges' (Tavares/ Tang, 2011: 224). As states have to live up to 'contradictory or conflicting obligations' (Tavares/ Tang, 2011: 224) they can 'find it difficult to prioritize their policies' (Sy, 2014): Each of the RECs sets different standards and is at a different point in its development which can make it difficult for countries belonging to more than one of them to fulfil these multiple requirements. Nevertheless, African countries appreciate the membership in several RECs due to political and strategic reasons (Tavares/ Tang, 2011: 225).

What do these mixed developments concerning the Abuja Treaty's implementation tell us about the pursuit of common values concerning economic cooperation and integration by the ARIS?

Although moving at different paces, all of the RECs but the AMU have made some progress with respect to the stages of the Abuja Treaty and have thus to some extent made changes to their structures, institutions and rules. However, this integration has partly been slow due to many state being members of more than one REC. Nevertheless, as the seven RECs which have initiated changes in the last two decades represent the majority of African States, it could thus be said that most of the African states have cooperated in

the goals of regional economic integration. According to the Abuja Treaty, regional integration has to be achieved before continental integration will be pursued. Contradictory as this might seem at first glance, by advancing their regional integration the African states have thus taken steps which are ultimately meant to further continental integration. The question which remains is if these regional integration efforts are really directed towards continental integration. As the Abuja Treaty's current goals focus on integration at the regional level, the states' compliance with this treaty cannot yet tell us if states pursue regional integration with the ultimate goal of continental integration in mind. One indicator for a growing orientation towards supraregional standards might be the cooperation of EAC, COMESA and SADC towards a Tripartite FTA which will, if successfully realised, comprise 26 states and thus nearly half of the AU's member states.

In the following chapter I will analyse if the developments at regional level which I have described are accompanied by developments and initiatives aiming at AU-wide economic cooperation and integration. This will allow me to see if the states' cooperation which can be observed at regional level is really aimed at ultimately achieving economic cooperation and integration on a continental level

4.3.2.2 AU-Wide Measures to Further Economic Integration and Cooperation

After having established that we can see some progress towards African states' compliance with the Abuja Treaty's goals, I will now look at indicators for compliance with the values of economic integration and cooperation on a continental level. In this chapter, I will thus consider the African-wide measures taken by the states in order to implement these values, namely decisions, treaties or new programmes which have been launched to this end.

From the very beginnings of the AU, the quest for enhanced economic cooperation has been one of its guiding forces: Art. 8(2) of the OAU's 1999 Sirte Declaration in which the establishment of the AU has been postulated, stipulates the goal of accelerating the implementation process of the AEC, especially by '[s]trengthening and consolidating the Regional Economic Communities as the pillars for achieving the objectives of the African Economic Community and realising the envisaged Union' (Organization of African Unity, 1999: Para. 8(ii)c). Consequently, the Preamble of the AU Constitutive refers to

the goal of establishing an AEC and several of the AU Constitutive Act's goals and principles relate to the continent's economic development and continental and regional economic integration (Art. 3(c), (i), (j), (l) and Art 4(n) AU Constitutive Act). The fact that the goals and institutions of the Abuja Treaty have been vastly integrated into the AU underlines the AU's commitment to the acceleration of economic integration.

Since then, further steps to implement the values contained in the Abuja Treaty have been initiated by the AU:

The AU Commission which acts as the AU's secretariat is tasked inter alia with promoting economic affairs and is thus also responsible for furthering the African integration process. In this capacity, it has since 2008 produced four reports on the Status of Integration in Africa. These reports are produced in cooperation with the RECs and monitor the implementation of the Abuja Treaty's goals on a regional and continental level and make recommendations for future improvements of the implementation process (African Union Commission, 2013: 15 – 16).

In 2006, the annual Conference of African Ministers in Charge of Integration (COMAI), has been established and has ever since built the centre of the AU's activities with regard to the advancement of regional integration. Between 2006 and 2013, six conferences have been held. In the course of these annual meetings, COMAI prepares recommendations to African States which have been labelled as one of the 'key integration players' (Bensah Jr., 2013). In addition to these recommendations, the COMAI initiated the Minimum Integration Programme (MIP) in 2009. The MIP 'consists of different activities on which the RECs and parties involved should agree upon to speed up and bring to a successful conclusion the process of regional and continental integration' and which should 'serve as a connecting link or common denominator for African continental integration players' (African Union, 2009: 7). In order to achieve its goal of furthering economic integration, the MIP analyses which obstacles impede successful regional integrations and tries to tackle these problems by establishing action plans for the RECs and the AU Commission and by putting in place a monitoring mechanism (Tavares/ Tang, 2011: 223).

Another step towards furthering economic integration and cooperation has been the adoption of the Protocol on the Relations between the African Union and the Regional Economic Communities in 2008. As the Abuja Treaty does not define which concrete

measures need to be taken in order to achieve its goals, the RECs and the AU have specified their relationship and the steps they plan to take in order to establish the AEC in this Protocol. Notably, Art. 22 of the Protocol on Relations between the AU and the RECs establishes that the Union 'shall take measures' against RECs if they do not act in conformance with the goals set out by the Abuja Treaty or if they do not implement their policies in the provided time frame (Art. 22 I Protocol on Relations between the AU and the RECs) and authorises the AU to impose sanctions in order to enforce its decisions (Art. 22 III Protocol on Relations between the AU und the RECs).

The AU's commitment to economic integration and cooperation has further been underlined by the adoption of an action plan in order to boost intra-African trade at its 18th ordinary summit in 2012. At this conference, the African heads of state and government decided that by 2017, a continental FTA should be established and thus brought forward this goal by eleven years in comparison to the target date set in the Abuja Treaty (African Union, 2012). Even though this decision and the fact that the 18th AU summits overarching theme was 'Boosting intra-African trade' prove the African state's commitment to pursue economic cooperation, experts doubt that a continental FTA can be established by 2017 (Schneidman, 2014).

Another initiative which focuses inter alia on the advancement of regional economic integration is the New Partnership for Africa's Development (NEPAD). This initiative has been adopted at one of the last OAU meetings and has since then been integrated into the AU (Viljoen, 2012: 167). NEPAD's overall aims are to further the continent's development, to fight against Africa's international marginalisation and to eradicate poverty by means of African states taking 'full control of their development agenda' and working 'more closely together' (New Partnership for Africa's Development, n.d.). In order to assess to what extent countries have progressed towards these goals, the African Peer Review Mechanism (APRM) has been initiated in 2002 as a voluntary self-monitoring mechanism based on peer-pressure. So far, 34 African countries have joined this initiative (African Peer Review Mechanism, 2014). Although the APRM is said to have 'tremendous potential', there has not yet been gathered enough evidence to ascertain if developments in African countries is connected to this mechanism (Gruzd, 2009: 3). Nevertheless, the initiation of NEPAD and APRM shows the African states' willingness to pursue economic integration.

To conclude, it can be stated that African states have launched several initiatives with a continent-wide focus in order to further the African states' economic cooperation and the continent's economic integration. While NEPAD and the APRM function independently from the Abuja Treaty, other initiatives, namely the COMAI with its MIP and the adoption of the Protocol on the Relations between the African Union and the Regional Economic Communities, are pursued with the goal of furthering the implementation of the Abuja Treaty. Admittedly, as most of the initiatives are rather young, it cannot be stated with certainty that states will cooperate with all of them and that they will be able to further economic integration in the long run. What can be concluded, however, is that numerous efforts have been undertaken by African states and by the AU to establish a framework for the pursuit of economic integration and cooperation. The Abuja Treaty's goals are thus not only pursued on a regional but also on a continental level. Although only the future will show if economic integration will really move from integration in several RECs to an African-wide integration, the measures which have been taken so far suggest that the values of continental economic cooperation and integration are pursued, although to varying degrees, by all African states and thus within the ARIS as a whole.

4.3.3 Conclusion

The Abuja Treaty which entered into force in 1994 and which has been ratified and thus formally accepted by most of the African states is aimed at ultimately creating an AEC with a common currency, a continental FTA and an African-wide customs union. In order to achieve this goal, the treaty outlines several stages with corresponding target dates.

The Abuja Treaty is built on the premise that in order to achieve continental economic integration in Africa, in a first step integration within various RECs needs to be pursued.

As I have argued, whether a value is held within an international society depends ultimately on the states' behaviour. One indicator for the African states pursuit of economic integration and cooperation is their implementation of the stages envisaged in the Abuja Treaty as these stages aim at furthering economic cooperation and integration. So far, five of the eight RECs which have been created as building blocks of the AEC have realised the first two stages contained in the Abuja Treaty in a timely manner and

are working towards the realisation of stage three which should be finalised by the year 2017. They have thus complied with the Abuja Treaty. Of the three other RECs, only the AMU has made virtually no progress towards the realisation of the Abuja Treaty, whereas the other two RECs have fully accomplished stage one and partly accomplished stage two of the Abuja Treaty. They have thus partly complied with the Abuja Treaty.

As the stages of implementation which should currently be accomplished according to the Abuja Treaty focus on regional developments, it is moreover important to see if there are indicators for the fact that African states not only pursue regional economic integration as a goal in itself but that the regional integration efforts are part of a bigger framework aimed at continental integration. Several developments aimed at continental integration, inter alia NEPAD and the APRM, COMAI and its MIP and the adoption of the Protocol on the Relations between the African Union and the Regional Economic Communities, indicate that states have the ultimate goal of economic cooperation and integration on an African-wide level in mind.

Even though the states' progress towards achieving this goal differs, I thus conclude that economic cooperation between African states and Africa's economic integration are values which are currently pursued by most African states and are thus held by the ARIS. We can ascertain that states have been willing to adapt their domestic conduct and policies for the sake of harmonisation with other states. As values pertaining to cooperation and convergence are thus held, a development towards solidarism can be seen in this issue area. Nevertheless, the continental economic integration still stands at its very beginnings as convergence on a continental level is still low. On a scale from pluralism to solidarism, the issue area of economic integration and cooperation could thus be categorised as moderately solidarist.

4.4 Conclusion: Position of Today's African Regional International Society on the Pluralist and Solidarist Spectrum

Having analysed solidarist developments within three of the ARIS' relevant issue areas, I now want to position today's ARIS on the on Barry Buzan's pluralist-solidarist spectrum

which I introduced in Chapter 2.3.2 in order to see if the ARIS has moved into the rather solidarist part of this spectrum. I will base this categorisation on the micro-judgments which I have made in relation to the developments within each of these issue areas. Even though these issue areas only represent extracts of the ARIS' more complex political reality, I have argued in Chapter 2.3.3 that the issue areas which I have chosen are central to the ARIS and representative for the developments which have taken place.

As far as the issue area of human rights is concerned, I have argued that African states have begun to pursue some common values with regard to human rights. However, states have been reluctant to implement human rights when this would interfere with their sovereignty. The African states' behaviour in this issue area has thus been ambivalent: while the pursuit of human rights would mark a turn to solidarism, their adherence to the principle of sovereignty would rather suggest a categorisation within the pluralist part of the pluralist-solidarist spectrum. Yet states are willing to cooperate in the pursuit of human rights at least to a certain degree through non-compulsory mechanism. This issue area is thus subtly turning towards solidarism.

The second issue area analysed has been the AU's right to intervene in its member states, codified in Art. 4(h) AU Constitutive Act. So far, the AU has never intervened in its member states without their prior consent which means that Art. 4(h) AU Constitutive Act has not yet been applied. The AU has, however, intervened in member states after having received their prior consent and has initiated negotiations between conflicting parties. This shows that while state sovereignty is still important within the ARIS, the states' internal affairs can become a matter of supranational concern. Whereas the fact that the AU has interfered in the states' internal affairs by means short of intervention suggests that movement towards the more solidarist side of the pluralist-solidarist spectrum has taken place, the fact that sovereignty is still considered as being important demonstrates that with regard to intervention, the ARIS is nevertheless still rather pluralist in its nature.

As far as economic integration and cooperation, the third issue area analysed, is concerned, developments tend towards the solidarist side of the spectrum: States have started to harmonize their politics on a regional level and have launched several initiatives aimed at pursuing economic integration on the continental level. They are thus willing to

change their domestic policies and structures in order to further cooperation with other states.

Summing up the results from the analysis of these three issue areas, I can firstly ascertain that the number of values regarding cooperation and convergence which are pursued by the ARIS has grown in comparison to the early days of the OAU which indicates that the ARIS has become more solidarist. Nevertheless, today's ARIS is characterised by the simultaneous existence of developments which are rather solidarist in their nature and some which are rather pluralist in their nature. Developments which concern the states' pursuit of common values regarding economic integration and to a lesser extent human rights would suggest to classify the ARIS within the 'cooperative' benchmark position. However, with regard to the fact that the African states still put their sovereignty first in many regards, a classification of the ARIS within the 'coexistence' position would also be possible.

The 'coexistence' benchmark position is inter alia characterised by the emergence of international law as a regulating mechanism between states and the acceptance of sovereignty as a core principle. Regional international law has been developed in the ARIS as a central means of shaping relations between the states. Sovereignty still plays an important role within the ARIS. As I have shown, though, sovereignty is no longer considered as pivotal as during early OAU times. Has the ARIS thus moved beyond the coexistence benchmark position?

A 'cooperative' international society exists when developments 'go significantly beyond coexistence but short of extensive domestic convergence' (Buzan, 2004: 160). Whereas domestic convergence has not yet been widely achieved within the ARIS, states have started to cooperate in a number of projects in the pursuit of shared values. In particular, they have started to work towards the continent's economic integration. However, not all states have cooperated in all of the projects. Cooperation does not cover an extensive amount of values and states have still only paid lip service to some of their written commitments. When in doubt, states oftentimes still prioritise the protection of their sovereignty as the missing implementation of Art. 4(h) AU Constitutive Act and the lukewarm support for the ACouHPR have shown.

Barry Buzan purports that 'the possible variance within any given position on the spectrum' may be vast and that the categorisation of an international society shall be made 'according to the particular balance of […] factors within them' (Buzan, 2004: 157). This means that in the case of the simultaneous existence of rather solidarist and rather pluralist elements within an international society, the positioning on the pluralist and solidarist spectrum depends on which of the elements is predominant. I argue that as African states have started to cooperate on several issues and have thus started to pursue a certain number common values regarding cooperation and convergence whereas sovereignty is no longer considered as sacrosanct as during early OAU days, the solidarist elements slightly prevail. The ARIS hence goes beyond the coexistence benchmark position on the pluralist and solidarist spectrum and can now be placed within the 'cooperative' benchmark position. This categorisation is underlined by the fact that while sovereignty is still considered as being important within the ARIS, states are slowly allowing some kind of interference into their internal affairs as their conduct towards the AComHPR exemplifies.

The ARIS can thus no longer be placed within the 'coexistence' benchmark position but can now be categorised as moderately 'cooperative'. It has thus left the rather pluralist part of the spectrum and can now be placed within the rather solidarist part of the spectrum.

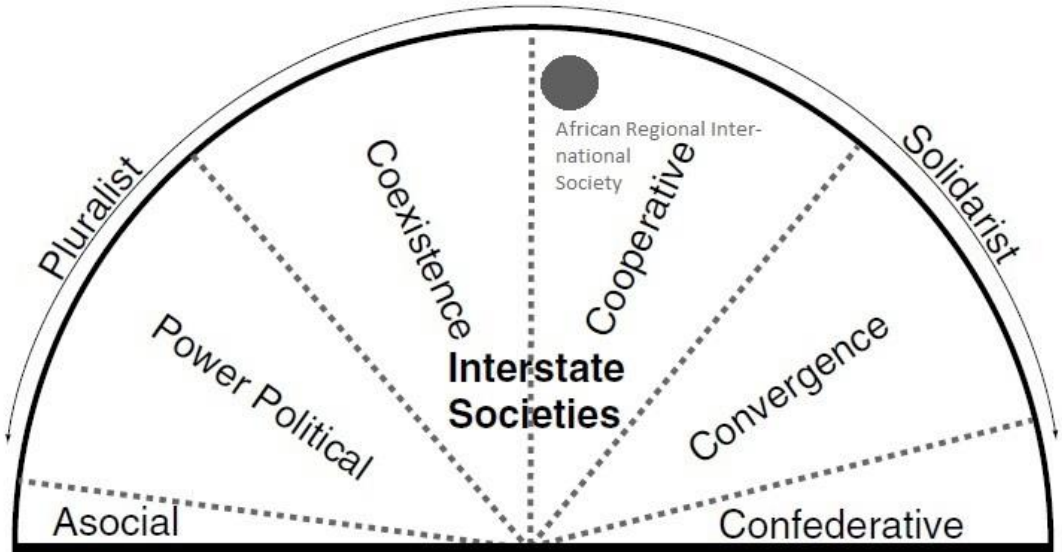

Figure 2: Categorisation of the African regional international society on the pluralist and solidarist spectrum

(Source: Buzan, 2004: 159; modifications made by the author)

5. Conclusion

I have based my thesis on the premise that international societies, an idea around which the English School of International Relations is built, do not only exist on a global scale but also on regional levels and I showed that such a regional international society exists within Africa. This regional international society has emerged at the time of the creation of the OAU. My hypothesis was that this initially pluralist ARIS might have changed its character due to developments which have taken place within Africa during the last decades and which have been manifested and accelerated by the creation of the AU so that today's ARIS is rather solidarist in its nature. In the course of my thesis, I have shown that this hypothesis was correct.

In order to analyse these changes which have occurred in Africa, I relied on the concepts of pluralism and solidarism. However, I argued that the classic definitions of pluralism and solidarism were not suitable for my case study: as much of the literature on solidarism has a normative focus and primarily deals with the areas of human rights and humanitarian intervention, these classic approaches lack a set of clear criteria which would allow me to identify solidarist developments within the ARIS and to ultimately tell me where today's ARIS stands with regard to pluralism and solidarism. I thus chose to base my analysis on Barry Buzan's approach to pluralism and solidarism. According to him, pluralism and solidarism are not concepts which mutually exclude each other but are rather 'positions on a spectrum' (Buzan, 2004: 58) between which movement is possible. Within these spectrum, Buzan labelled some benchmark positions: 'asocial', 'power political' and 'coexistence' refer to rather pluralist international societies, whereas 'cooperative', 'convergence' and 'confederative' international societies are on the rather solidarist side of the spectrum. I argued that in order to be rather solidarist, today's ARIS must be categorised as at least being 'cooperative' in its nature. Where any international society can be positioned within the pluralist-solidarist spectrum depends on the type and number of values that are shared between states: International societies which can be placed within the pluralist side of the spectrum will cooperate only on few common values and the values which are pursued will mostly pertain to regulating coexistence. The more solidarist an international society becomes, the more values regarding cooperation and convergence are pursued. (Buzan, 2004: 146 – 147) The question when a value is 'held'

is thus of pivotal importance for positioning an international society on the pluralist and solidarist spectrum. With regard to the ARIS where many changes have been brought about in the form of regional international law, it was of particular relevance to know when values which are codified in the form of positive law can be deemed as being 'held'. Unfortunately, this problem has been underdeveloped in recent English School theory. There is only agreement on the fact that in order to know if a value is 'held', we need to 'rely on sustained behaviour' (Buzan, 2004: 104). In this context I thus introduced the concept of compliance, meaning 'a state of conformity or identity between an actor's behavior and a specified rule' (Raustiala/ Slaughter, 2006: 539). When rules do not match the previous practice, implementation understood as 'the process of putting international commitments into practice' (Raustiala/ Slaughter, 2006: 539) will be a necessary precondition for compliance. In order for a value to be 'held', states thus need to comply with the corresponding rules which will usually presuppose that these rules are implemented.

I then went on to apply this framework of analysis to the ARIS. In order to do so, I first chose several issue areas within the ARIS in which change towards solidarism in the sense of more values concerning cooperation and convergence being pursued might have occurred based on the literature I reviewed. This led me to choose the issue areas of (1) human rights, (2) intervention into the AU member states and (3) economic cooperation and integration. I established that indicators for solidarist developments would be (a) the formal commitment to values pertaining to cooperation and convergence, measured by the existence of treaties and other legal instruments and their number of ratifications and (b) compliance with and implementation of these written commitments.

In the issue area of human rights, several human rights treaties have been adopted in the last decades. Yet only the AChHPR has been ratified by virtually all AU member states. Other treaties which have been ratified by significantly more than half of the members of the ARIS are the OAU Refugee Convention and the African Children's Charter. Two other human rights instruments, the African Women's Protocol and the IDP Convention have been ratified by only half respectively less than half of the AU member states. I thus argued that this low number of ratifications suggests that the values contained in these treaties are not pursued by the ARIS as a whole. As far as the other three instruments were concerned, only an analysis of their implementation by means of review and

enforcement mechanisms could tell me if they were really held by the ARIS. I showed that there are three review and enforcement mechanisms tasked with enforcing human rights in Africa: (1) The AComHPR which is a review and enforcement mechanism for the rights contained in the AChHPR, (2) the ACouHPR, which can review violations of all regional and international human rights treaties and (3) the African Children's Right Committee which focuses on the implementation of the African Children's Charter. The AComHPR possesses a promotional and a protective mandate. Its promotional mandate includes receiving and considering complaints by states, individuals and organisations, its protective mandate encompasses inter alia the state-reporting procedure. Whereas it can be said that the AComHPR 'has clearly been designed to accomplish very little' (Viljoen, 2012: 293) and is still beset by many problems, the AComHPR has increasingly gained importance in reviewing and implementing the rights contained in the AChHPR and is more and more accepted by the African states. For example, African states have recently handed in more state reports commenting on their internal implementation of human rights than in the AComHPR's early years. Moreover, African states have acquiesced in individuals being allowed to bring complaints against states before the AComHPR which has led to a growing number of cases being decided on and thus an increasing review of the states' internal conduct. An international society that treats internal affairs as not solely belonging to the respective states' responsibility is more and more based on cooperation and convergence and less on coexistence and thus becoming more solidarist. Nevertheless, the two other African human rights review and enforcement mechanisms have been less successful in implementing human rights. The ACouHPR's jurisdiction is only accepted by half of the members of the ARIS and individuals and NGOs can only bring cases before the ACouHPR if their state has signed a separate declaration. Up till now, only seven states have done so. Moreover, the ACouHPR has yet only decided on the merits of one case. I argued that the fact that the ACouHPR has not yet played a significant role in implementing human rights in Africa whereas the AComHPR is becoming more and more important proves that although human rights have gained in importance in the ARIS, states are not willing to sacrifice their independence and sovereignty in order to promote human rights. As far as the African Children's Right Committee is concerned, states have not regularly handed in state reports and only one case has yet been decided within the scope of the committee's

quasi-judicial mandate. This shows that African States do not comply with the African Children's Charter. As the OAU Refugee Convention has not been implemented at all by means of review and enforcement mechanisms, I thus argued that only the rights contained in the AChHPR are 'held' by the ARIS as a whole. I concluded that while states have started to pursue values regarding human rights, they are not willing to sacrifice their sovereignty in order to implement human rights. Thus states not yet fully comply with the values contained in the AChHPR. Nevertheless, the growing importance of the AComHPR as a soft enforcement mechanism suggests that this issue area is becoming rather solidarist in its nature.

The next issue area which I reviewed was the right of the AU to intervene in its member states without their prior consent as codified in Art. 4(h) AU Constitutive Act. This provision is widely acknowledged as the first codification of the R2P principle in a founding document of a regional organisation (Abass, 2012: 223; Williams, 2009: 400 - 401). It is also considered as a departure from the principle of non-interference and the pivotal importance of state sovereignty which characterised the OAU Charter and the OAU's conduct. I showed that Art. 4(h) AU Constitutive Act which allows intervention into the African states and Art. 4(g) AU Constitutive Act which contains the principle of non-interference into the states' internal affairs do not contradict each other: Whereas Art. 4(g) AU Constitutive Act prohibits the AU *member states* to intervene in other countries, Art. 4(h) AU Constitutive Act allows the AU *as a whole* to do so. In order to see if the ARIS has implemented Art. 4(h) AU Constitutive Act, I considered if and how this provision has so far been applied. To this end, I chose several cases in which human rights violations have occurred and in which international scholars and politicians have considered intervention and have used R2P language. These were namely the conflicts or civil wars in (1) Kenya, (2) Darfur/ Sudan, (3) Zimbabwe and (4) Libya. I then analysed the AU's conduct with regard to these situations. I concluded that Art. 4(h) AU Constitutive Act has not yet been applied. Moreover, the AU has not considered to intervene without the respective state's explicit prior consent in any of those situations. However, even though the AU has to date failed to implement its right of intervention contained in Art. 4(h) AU Constitutive Act, the AU got involved in some of these conflicts in the form of furthering negotiations or by intervening with the states' consent. This shows that the African states' internal affairs are no longer perceived as solely belonging

to the respective states' responsibility and that state sovereignty is not considered as absolute in the ARIS anymore. I concluded that whereas these developments with respect to intervention show that the ARIS is still characterised by values pertaining to coexistence as far as the role of state sovereignty is concerned, the fact that states now allow other kinds of interference in their internal affairs indicates that the African states gradually move towards a more cooperative stance.

The third issue area which I analysed was economic cooperation and integration within Africa. I showed that the Abuja Treaty which has been ratified by most of the AU member states contains a plan for achieving the continent's economic integration in the form of an AEC which is built on six successive stages. The steps which are currently on the Abuja Treaty's schedule concern the incremental integration and cooperation of states within several RECs. Integration on a continental level will be pursued only after progress within the RECs will have been achieved. In order to see if the African states have not only paid lip service to the goal of creating an AEC, I firstly scrutinised if the stages envisaged in the Abuja Treaty have so far been implemented in a timely manner. I showed that of the eight RECs which are considered as building blocks of the AEC, seven have at least partly advanced in implementing the stages envisaged in the Abuja Treaty. AMU in North Africa is the only REC which has made virtually no progress. Currently, five states have completed the first and second stage contained in the Abuja Treaty in a timely manner and are now working towards the implementation of the third stage which should be completed until 2017. Even though not all states have thus achieved the Abuja Treaty's stages in the course of the envisaged time frame, all African states but the ones that are members of the AMU have pursued the goal of regional economic integration at least to some extent. As the Abuja Treaty envisages regional economic integration as a precondition for continental economic integration, pursuit of regional economic integration does in theory equal the pursuit of continental economic integration. In order to see if the African states just further regional economic integration as a goal in itself or if their endeavours are ultimately aimed at an African-wide integration, I analysed the measures which the ARIS has taken on a continent-wide level and which are aimed at pursuing continent-wide economic integration and cooperation. I showed that both inside and outside the Abuja Treaty's framework, several initiatives aimed at continental economic integration have been pursued, amongst others NEPAD and the APRM,

COMAI and its MIP and the adoption of the Protocol on the Relations between the African Union and the Regional Economic Communities. I thus concluded that African states pursue continent-wide economic integration and cooperation and have implemented their written commitments, especially by pursuing progress within the RECs. They thus 'hold' values pertaining to cooperation and integration on a continental scale. Hence, I concluded that with regard to this issues area, the ARIS' conduct can be considered as moderately solidarist.

Having analysed developments within the issue areas of human rights, intervention and economic cooperation and integration, I went on to analyse where the ARIS as a whole can be positioned on the pluralist and solidarist spectrum. I stated that within the ARIS, a growing number of values pertaining to cooperation and convergence are pursued in comparison to early OAU days. This shows that the ARIS has become more solidarist. Yet the question remained if today's ARIS can be categorised as 'cooperative' on the pluralist and solidarist spectrum and is thus rather solidarist or if it is still a 'coexistence' international society. I argued that the fact that sovereignty is still considered as being important within the ARIS could indicate that the regional international society could still be positioned within the 'coexistence' position. Yet according to Buzan, 'the possible variance within any given position on the spectrum' may be vast and an international society shall be categorised 'according to the particular balance of […] factors within them' (Buzan, 2004: 157). If the ARIS can be positioned within the coexistence or the cooperation benchmark position thus depends on the fact if elements of pluralism or elements of solidarism prevail. I argued that as the states' sovereignty is no longer considered as absolute as during OAU times and as states are pursuing a range of values pertaining to cooperation and convergence, in particular in the issue area of economic cooperation and integration but also with regard to human rights, the solidarist elements within the ARIS slightly prevail. The ARIS can thus be categorised as moderately cooperative. This means that the ARIS as a whole has become rather solidarist in its nature.

The fact that elements of pluralism and solidarism coexist within the ARIS can be traced back to the coexistence of two driving forces which have characterised the African

unification process since the time of discussions leading to the creation of the OAU: On the one side, there are and have been proponents of pan-Africanist ideals who strive for a united African continent and for African states 'working together to improve the lives of African people' (Packer/ Rukare, 2002: 366). On the other hand, the experience of colonialism has nurtured the wish to preserve the sovereignty and independence of African states which have for a long time been influenced by the outside interference of colonial powers. Whereas the creation of the OAU by means of the OAU Charter was a victory for the advocates of a state-centric approach based on the preservation of the states' absolute sovereignty, the AU Constitutive Act bears witness to the influence of pan-African ideals. The fact that today's ARIS is rather solidarist in its nature shows that pan-Africanist ideas are gradually becoming more important and are gaining the upper hand over state-centrist approaches to African unification. Nevertheless, the fact that sovereignty is still considered as being important shows that both elements are still competing with each other.

I have stated in the introduction to this thesis that I hope to gain insights in how useful the concepts of pluralism and solidarism are to the conduct of case studies and if they are able to grasp developments outside of the western world. Buzan's definition of pluralism and solidarism is to a great extent built on the idea that certain values are 'held' or are not 'held'. The problem I thus faced with regard to the application of these concepts to the ARIS was the question when a value which is codified in legal documents is 'held' by an international society. While this is a problem which is potentially relevant to all case studies building on Buzan's framework, this problem has become particularly apparent when analysing the ARIS: On the one hand, Africa's history has been characterised by states paying lip service to legal commitments, a feature which Frans Viljoen calls 'rightorical commitment' (Viljoen, 2012: 161). On the other hand, new legal commitments, in particular the introduction of the right to intervene contained in the AU Constitutive Act, seemingly appeared out of the blue. There have been no signs of vast prior discussions on this topic, no gradual emergence process could be seen and the preceding state practice rather contradicted this norm which had now been incorporated in the AU's founding document. It thus became apparent that what African states formally commit to do and what they actually pursue is not necessarily congruent. In order to close

this methodological gap, I introduced the concepts of compliance and implementation to the study of international societies. With the help of these concepts, I was able to grasp legal developments as well as changing state behaviour and could thus analyse solidarist developments within the ARIS. However, the dichotomy of international law and state behaviour in relation to pluralism and solidarism remains an interesting research field which should be further explored by the English School.

Apart from this, the problems I faced in my analysis mainly concerned the lack of available data on developments in Africa. As far as developments in the issue area of human rights are concerned, one indicator for compliance with human rights is the states' implementation of human rights in their legal system and their internal conduct towards human rights: Have those human rights been codified in the form of national law? Have states violated some of the rights on a large scale? Which other domestic measures have been taken to promote the human rights contained in African-wide treaties? Unfortunately, no comprehensive data which could answer these questions were available. I was thus forced to abstain from using this indicator. When collecting data for my analysis, another problem I faced was that the official web pages of several AU institutions contained contradictory information which was partly outdated. In particular with regard to economic cooperation and integration, only few independent studies, i.e. studies which were not conducted by the AU itself, exist. This lack of available information suggests that Africa is still a marginalised field in international relations scholarship (Brown, 2006).

Two questions for further research arise out of my thesis' conclusion that the ARIS becomes more solidarist which I could not treat due to space restraints:

Firstly, Buzan expects that in the course of an international society moving towards the solidarist end of the pluralist and solidarist spectrum, new primary institutions will arise whereas others will be downgraded (Buzan, 2004: 190 – 195). It can thus be expected that the primary institutions of ARIS have changed in order to mirror the pursuit of new and changed values. If this is really the case would be an interesting question for further inquiries.

Secondly, as my analysis focussed on the ARIS which is constituted by states, I have left out developments within the interhuman domain. However, considering the pan-African

ideal and the growing influence of civil society organisations on the continent, it would be interesting to see if elements of a world society with individuals as its constitutive units can be found in Africa. Such an analysis could also shed light on the question in which way solidarist developments and the emergence of a world society are connected.

6. Bibliography

Aalto, Pami (2007): 'Russia's Quest for International Society and the Prospects for Regional-Level International Societies', *International Relations* 21 (4), 459 – 478.

Abass, Ademola (2012): 'The African Union and the Responsibility to Protect. Principles and Limitations' in: Julia Hofmann and André Nollkaemper (eds.): *Responsibility to Protect: From Principle to Practice*, (Amsterdam: Pallas), 213 – 236.

Adejo, Armstrong M. (2001): 'From OAU to AU: Old Wine in New Bottles?' *African Journal of International Affairs* 4 (1&2), 119 – 141.

African Commission on Human and Peoples' Rights (n.d. a): *Ratification Table: AU Convention Governing Specific Aspects of Refugee Problems in Africa*, http://www.achpr.org/instruments/refugee-convention/ratification/ (25-02-2014).

African Commission on Human and Peoples' Rights (n.d. b): *Ratification Table: African Charter on the Rights and Welfare of the Child*, http://www.achpr.org/instruments/child/ratification/ (25-02-2014).

African Commission on Human and Peoples' Rights (n.d. c): *Ratification Table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, http://www.achpr.org/instruments/women-protocol/ratification/ (26-02-2014).

African Commission on Human and Peoples' Rights (n.d. d): *Communications Procedure*, http://www.achpr.org/communications/procedure/ (04-03-2014).

African Commission on Human and Peoples' Rights (n.d. e): *State Reporting*, http://www.achpr.org/states/ (04-03-2014).

African Commission on Human and Peoples' Rights (n.d. f): *State Reports and Concluding Observations*, http://www.achpr.org/states/reports-and-concluding-observations/ (13-04-2014).

African Committee of Experts on the Rights and Welfare of the Child (n.d. a): *State Reporting Calendar*, http://acerwc.org/member-states/state-reporting-calendar/ (02-04-2014).

African Committee of Experts on the Rights and Welfare of the Child (n.d. b): *Communications*, http://acerwc.org/the-committees-work/communications/ (02-04-2014).

African Committee of Experts on the Rights and Welfare of the Child (n.d. c): *Decisions*, http://acerwc.org/the-committees-work/decisions/ (02-04-2014).

African Court on Human and Peoples' Rights (2011): *African Commission on Human and Peoples' Rights v. Great Socialist People's Libyan Arab Jamahiriya*, Order for Provisional Measures, Application No. 004/2007, 25 March 2011, http://www.africancourtcoalition.org/images/docs/judgements/Order_for_Provisional_Measures_against_Libya.PDF (17-02-2014).

African Court on Human and Peoples' Rights (2013a): *Côte d'Ivoire deposits the declaration allowing individuals direct access*, 1 August 2013, http://www.african-court.org/en/index.php/news/latest-news/426-the-republic-of-cote-d-ivoire-deposits-the-declaration-allowing-individuals-and-ngos-direct-access-to-the-african-court (28-02-2014).

African Court on Human and Peoples' Rights (2013b): *Tanganyika Law Society, The Legal and Human Rights Centre & Rev. Christopher R. Mtikila v. The Republic of Tanzania*, Applications No. 009/2011 and No. 011/2011, 14 June 2013, http://www.african-court.org/en/images/documents/Court/Cases/Judgment/Judgment%20Application%20009-011-2011%20Rev%20Christopher%20Mtikila%20v.%20Tanzania.pdf (28-02-2014).

African Court on Human and Peoples' Rights (n.d.): *Cases Status. Status of Applications received by the Court*, http://www.african-court.org/en/index.php/2012-03-04-06-06-00/cases-status1 (28-02-2014).

African Human Rights Case Law Analyser (n.d.): *African Commission on Human and Peoples' Rights*, http://caselaw.ihrda.org/acmhpr/ (04-03-2014).

African Peer Review Mechanism (2014): *11th Anniversary of the African Peer Review Mechanism*, 7 March 2014, http://aprm-au.org/news/11th-anniversary-african-peer-review-mechanism (06-04-2014).

African Union (2004a): *Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur*, Addis Ababa, 28 May 2004, http://www.africa-union.org/DARFUR/Agreements/agreement%20with%20the%20Sudanese%20parties.pdf (19-02-2014).

African Union (2004b): *Communiqué on the Seventeenth Meeting of the Peace and Security Council, Peace and Security Council*, 17th Meeting, 20 October 2004, Addis Ababa, Ethiopia, PSC/PR/Comm.(XVII), http://www.africa-union.org/News_Events/Communiqu%C3%A9s/Communiqu%C3%A9%20_Eng%2020%20oct%202004.pdf (19-02-2014).

African Union (2006): *Décision relative au moratoire sur la reconnaissance des Communautés économiques régionales (CER)*, Assembly/AU/Dec.112 (VII), Assembly of the African Union, Seventh Ordinary Session, 1 – 2 July 2006, Banjul, The Gambia, http://www.au.int/en/sites/default/files/ASSEMBLY_FR_01_JULY_03_JULY_2006_AUC_SEVENTH_ORDINARY_SESSION_DECISIONS_DECLARATIONS.pdf (07-04-2014).

African Union (2008a): *Communique on the Situation in Zimbabwe*, Addis Ababa, 17 April 2008, http://www.africa-union.org/root/AU/index/archive1_April_2008.htm (18-02-2014).

African Union (2008b): *Resolution on Zimbabwe*, Assembly/AU/Res.1 (XI), Assembly of the African Union, Eleventh Ordinary Session, 30 June – 1 July 2008, Sharm El-Sheikh, Egypt, http://www.au.int/en/sites/default/files/ASSEMBLY_EN_30_JUNE_1_JULY_2008_AUC_ELEVENTH_ORDINARY_SESSION_DECISIONS_DECLARATIONS_%20TRIBUTE_RESOLUTION.pdf (18-02-2014).

African Union (2009): *Minimum Integration Programme (MIP)*, May 2009, http://www1.uneca.org/Portals/ctrci/6th/MinimumIntegrationProgrammeEng.pdf (24-02-2014).

African Union (2010): *List of Countries which have signed, ratified/ acceded to the Treaty Establishing the African Economic Community*, 4 February 2010, http://www.africa-union.org/root/au/Documents/Treaties/List/Treaty%20Establishing%20the%20African%20Economic%20Community.pdf (05-03-2014).

African Union (2011): *Press Release. The African Union ad hoc High-Level Committee on Libya convenes its second meeting in Addis Ababa*, 25 March 2011, http://www.au.int/en/sites/default/files/Press_release_-_Libya__eng__0.pdf (05-04-2014).

African Union (2012): *Decision on Boosting Intra-African Trade and Fast Tracking The Continental Free Trade Area*, Assembly/AU/Dec.394(XVIII), Assembly of the Union, Eighteenth Ordinary Session, 29 – 30 January 2012 Addis Ababa, Ethiopia, http://summits.au.int/en/sites/default/files/ASSEMBLY%20AU%20DEC%20391%20-%20415%20%28XVIII%29%20_E_0.pdf (07-04-2014).

African Union (2013): *List of Countries which have signed, ratified/ acceded to the African Charter on Human and Peoples' Rights*, 21 February 2013, http://www.au.int/en/sites/default/files/African%20Charter%20on%20Human%20and%20Peoples%27%20Rights.pdf (25-02-2014).

African Union (2014a): *List of Countries which have signed, ratified/ acceded to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment on an African Court on Human and Peoples' Rights*, 28 January 2014, http://www.au.int/en/sites/default/files/achpr_0.pdf (03-04-2014).

African Union (2014b): *List of Countries which have signed, ratified/ acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, 28 January 2014, http://www.au.int/en/sites/default/files/Convention%20on%20IDPs%20-%20displaced ... 0.pdf (26-02-2014).

African Union (2014c): *List of Countries which have signed, ratified/ acceded to the Protocol on the Statute of the African Court on Justice and Human Rights*, 3 February 2014, http://www.au.int/en/sites/default/files/Protocol%20on%20Statute%20of%20the %20African%20Court%20of%20Justice%20and%20HR_0.pdf (04-03-2014).

African Union (n.d.): *The African Court on Human and Peoples' Rights*, http://www.au.int/en/organs/cj (28-02-2014).

African Union Commission (2013): *Status of Integration in Africa (SIA IV)*, http://www.au.int/en/sites/default/files/SIA%202013%28latest%29_En.pdf (07-04-2014).

African Union Executive Council (2005): *The Common African Position on the Proposed Reform of the United Nations: "The Ezulwini Consensus"*, AU Executive Council, 7th extraordinary session, 8 March 2005, Addis Ababa, Ethiopia, Ext/EX.CL/2 (VII), http://www.safpi.org/sites/default/files/publications/au_executive_council_ezulwini_co nsensus.pdf (17-02-2014).

African Union Peace and Security Council (2011): *Communiqué of the 265th Meeting of the Peace and Security Council, 10 March 2011*, PSC/PR/COMM.2(CCLXV), http://www.au.int/en/sites/default/files/COMMUNIQUE_EN_10_MARCH_2011_PSD

_THE_265TH_MEETING_OF_THE_PEACE_AND_SECURITY_COUNCIL_ADOPTED_FOLLOWING_DECISION_SITUATION_LIBYA.pdf (05-04-2014).

Ajumbo, Gerald (2012): 'Economic Integration: to Expand or to Deepen?' *Africa Economic Brief* 3 (11), 1 – 14.

Akokpari, John (2008): 'Conclusion: Building a Unified Africa' in: John Akokpari, Angela Ndinga-Muvumba and Tim Murithi (eds.): *The African Union and its Institutions* (Auckland Park: Jacana), 371 – 381.

Almond, Kyle (2011): *The African Union: What you need to know*, CNN, 13 April 2011, http://edition.cnn.com/2011/WORLD/africa/04/13/african.union.basics/ (01-03-2014).

Aning, Kwesi/ Atuobi, Samuel (2009): 'Responsibility to Protect in Africa: An analysis of the African Union's Peace and Security architecture', *Global Responsibility to Protect* 1 (1), 90 – 113.

Asplet, Mike/ Bradley, Megan (2012): 'Strengthened Protection for Internally Displaced Persons in Africa: The Kampala Convention Comes Into Force', *Insights* 16 (36), December 7, 2012, http://www.asil.org/insights/volume/16/issue/36/strengthened-protection-internally-displaced-persons-africa-kampala (05-03-2014).

Auswärtiges Amt (2012): *Der Darfur-Konflikt*, as of 23.05.2012, http://www.auswaertiges-amt.de/DE/Aussenpolitik/RegionaleSchwerpunkte/Afrika/Sudan/Darfur_node.html (19-02-2014).

Badejo, Diedre L. (2008): *The African Union* (New York: Chelsea House).

Ban, Ki-Moon (2009): *Implementing the responsibility to protect. Report of the Secretary-General*, United Nations General Assembly, A/63/677, http://www.unrol.org/files/SG_reportA_63_677_en.pdf (18-02-2014).

BBC News (2012): *Profile: African Union*, 1 February 2012, http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm (10-04-2014).

Bekker, Gina (2007): 'The African Court on Human and Peoples' Rights: Safeguarding the Interests of African States', *Journal of African Law* 51 (1), 151 – 172.

Bellamy, Alex J. (2003): 'Humanitarian responsibilities and interventionist claims in international society', *Review of International Studies* 29 (3), 321 – 340.

Bellamy, Alex J. (2005a): 'Introduction: International Society and the English School' in: Alex J. Bellamy (ed.): *International Society and its Critics* (Oxford: Oxford University Press), 1 – 26.

Bellamy, Alex J. (2005b): 'Conclusion: Whither International Society?' in: Alex J. Bellamy (ed.): *International Society and its Critics* (Oxford: Oxford University Press), 283 – 295.

Bellamy, Alex J. (2010): 'The Responsibility to Protect – Five Years On', *Ethics & International Affairs* 24 (2), 143 – 169.

Bensah Jr., Emmanuel K. (2013): 'COMAI, or African Integration's best-kept secret?', *Modern Ghana*, 1 May 2013, http://www.modernghana.com/news/461382/1/comai-or-african-integrations-best-kept-secret.html (06-04-2014).

Black, Ian (2013): 'Libyan revolution casualties lower than expected, says new government', *The Guardian*, 8 January 2013, http://www.theguardian.com/world/2013/jan/08/libyan-revolution-casualties-lower-expected-government (05-03-2014).

Brown, William (2006): 'Africa and international relations: a comment on IR theory, anarchy and statehood', *African Affairs* 105 (418), 119 – 143.

Bull, Hedley (1966): ‘The Grotian Conception of International Society’ in: Herbert Butterfield and Martin Wight (eds.): *Diplomatic Investigations. Essays in the theory of International Politics* (London: George Allen & Unwin), pp. 51 – 73.

Bull, Hedley (1969): 'International Theory. The Case for a Classical Approach’ in: Klaus Knorr and James Rosenau (eds.): *Contending Approaches to International Politics* (Princeton: Princeton University Press), 20 – 38.

Bull, Hedley (1986): *Intervention in World Politics* (Oxford: Oxford University Press).

Bull, Hedley (2000): ‘International Relations as an Academic Pursuit (1972)’ in: Kai Alderson and Andrew Hurrell (eds.): *Hedley Bull on International Society* (Basingstoke: Macmillan), 246 – 264.

Bull, Hedley (2002 [orig.1977]): *The Anarchical Society: A Study of Order in World Politics* (Basingstoke: Palgrave); third edition.

Bull, Hedley/ Watson, Adam (1984): *The Expansion of International Society* (Oxford: Clarendon).

Buzan, Barry (2004): *From International to World Society? English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press).

Buzan, Barry (2009): 'The Middle East through English School Theory' in: Barry Buzan and Ana Gonzalez-Pelaez (eds.): *International Society and the Middle East. English School Theory at the Regional Level* (Basingstoke: Palgrave Macmillan), 22 – 44.

Chandy, Laurence/ Ledlie, Natasha/ Penciakova, Veronika (2013): *Africa’s Challenge to End Extreme Poverty by 2030: Too Slow or Too Far Behind?*, Brookings, 29 May 2013, http://www.brookings.edu/blogs/up-front/posts/2013/05/29-africa-challenge-end-extreme-poverty-2030-chandy (05-03-2014).

Clayton, Mack (2013): *Co-Dependence in the Pluralist-Solidarist Debate*, http://www.e-ir.info/2013/11/11/co-dependence-in-the-pluralist-solidarist-debate/ (26-11-2013).

Costa Buranelli, Filippo (2013): *Regional International Societies, the Polysemy of Institutions and Global International Society*, http://www.e-ir.info/2013/08/01/from-e-pluribus-una-to-ex-una-plures-regional-international-societies-the-polysemy-of-institutions-and-global-international-society/ (03-12-2013).

Dersso, Solomon A. (2013): 'The African Union' in: Gentian Zyberi (ed.): *An institutional approach to the Responsibility to Protect*, (Cambridge: Cambridge University Press), 220 – 246.

Diez, Thomas/ Bode, Ingvild/ Fernandes da Costa, Aleksandra (2011): *Key Concepts in International Relations* (London: Sage).

Doumbé-Billé, Stéphane (2012): 'The African Union: Principles and Purposes' in: Abdulqawi A. Yusuf and Fatsah Ouguergouz (eds.): *The African Union: Legal and Institutional Framework. A Manual on the Pan-African Organization*, 53 – 75.

Dunne, Tim (2008): 'The English School' in: Christian Reus-Smit and Duncan Snidal (eds.): *The Oxford Handbook of International Relations* (Oxford: Oxford University Press), 267 – 285.

Enwere, Corlivics Onuoha (2006): *Human Rights and Refugee Protection in South Africa (1994 – 2004)*, http://wiredspace.wits.ac.za/handle/10539/1536 (02-03-2014).

Evans, Gareth/ Sahnoun, Mohamed (2001): *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre), http://responsibilitytoprotect.org/ICISS%20Report.pdf (18-12-2013).

Gallagher, Adrian (2013): *An Overview of the English School's Engagement with Human Rights*, http://www.e-ir.info/2013/05/06/look-inside-ir-shes-alright-shes-alright-an-overview-of-the-english-schools-engagement-with-human-rights/#_edn2 (11-12-2013).

Global Centre for the Responsibility to Protect (2013): *The March 2013 Elections in Kenya and the Responsibility to Protect*, Policy Brief, 11 February 2013, http://www.globalr2p.org/media/files/march-2013-elections-in-kenya-and-r2p-4.pdf (18-02-2014).

Gonzalez-Pelaez, Ana (2009): 'The Primary Institutions of the Middle Eastern Regional Interstate Society' in: Barry Buzan and Ana Gonzalez-Pelaez (eds.): *International Society and the Middle East. English School Theory at the Regional Level* (Basingstoke: Palgrave Macmillan), 92 – 116.

Gruzd, Steven (2009): *The African Peer Review Mechanism: Assessing Origins, Institutional Relations and Achievements*, South African Institute of International Affairs, Governance and APRM Programme, Occasional Paper No 29.

Gumedze, Sabelo (2010): 'The African Union and the Responsibility to Protect', *African Human Rights Journal* 10 (1), 135 – 160.

Hansungule, Michelo (2012): 'The African Charter on Human and Peoples' Rights' in: Abdulqawi A. Yusuf and Fatsah Ouguergouz (eds.): *The African Union: Legal and Institutional Framework. A Manual on the Pan-African Organization*, 417 – 453.

Hassar, Younes (2013): 'Reviving the Maghreb Union. Moving towards integration in North Africa', *The Majalla*, 6 June 2013, http://www.majalla.com/eng/2013/06/article55242108 (24-02-2013).

Human Rights Watch (2008): *Ballots to Bullets. Organized Political Violence and Kenya's Crisis of Governance*, Human Rights Watch 20 (1), http://www.hrw.org/reports/2008/kenya0308/kenya0308web.pdf (26-02-2014).

Ikejiaku, Brian-Vincent/ Dauda, Jubril (2011): 'African Union, Conflict, and Conflict Resolution in Africa: A Comparative Analysis of the Recent Kenya and Zimbabwe Conflicts', *International Journal of Development and Conflict* 1 (1), 61 – 83.

Integrated Regional Information Networks (2012): 'African convention on internally displaced persons comes into force', *The Guardian*, 7 December 2012, http://www.theguardian.com/global-development/2012/dec/07/african-convention-internally-displaced-persons (27-02-2014).

International Coalition for the Responsibility to Protect (2011): *Accounting for the African Union (AU) Response to Libya: A Missed Opportunity?* 13 September 2011, http://icrtopblog.org/2011/09/13/accounting-for-the-african-union-au-response-to-libya-a-missed-opportunity/ (05-04-2014).

International Coalition for the Responsibility to Protect (n.d. a): *The Crisis in Kenya*, http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-kenya#2 (05-04-2014).

International Coalition for the Responsibility to Protect (n.d. b): *Crisis in Zimbabwe*, http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-zimbabwe (05-04-2014).

International Coalition for the Responsibility to Protect (n.d. c): *The Crisis in Libya*, http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya (05-04-2014).

International Crisis Group (2008): 'Negotiating Zimbabwe's Transition', *Africa Briefing* N° 51, Pretoria/Brussels, 21 May 2008.

Internal Displacement Monitoring Centre (2013): *Global Overview 2012. People internally displaced by conflict and violence*, April 2013, http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DB8A259305B071A8C1257B5C00268DDC/$file/global-overview-2012.pdf (03-03-2014).

Isanga, Joseph M. (2013): ‘The Constitutive Act of the African Union, African Courts and the Protection of Human Rights: New Dispensation?’, *Santa Clara Journal of International Law*, 11 (2), 267 – 302.

Jackson, Robert H. (2000): *The global covenant: human conduct in a world of states*, (Oxford: Oxford University Press).

Jackson, Robert/ Sørensen, Georg (2010): *Introduction to International Relations. Theories and approaches* (Oxford: Oxford University Press).

James, Alan (1973): ‘Law and Order in International Society’ in: Alan James (ed.): *The Bases of International Order. Essays in Honour of C. A. W. Manning* (Oxford: Oxford University Press), 60 – 84.

James, Alan (1993): 'System or Society?’ *Review of International Studies* 19 (3), 269 – 288.

Kabau, Tom (2012): ‘The Responsibility to Protect and the Role of Regional Organizations: an Appraisal of the African Union’s Interventions’, *Goettingen Journal of International Law* 4 (1), 49 – 92.

Kardas, Saban (2011): *Humanitarian Intervention as a ‘Responsibility to Protect’: An International Society Approach*, http://gdoshisha.files.wordpress.com/2011/06/hum-int_doshisha-conference_saban-kardas-1.pdf (11-12-2013).

Kimenyi, Mwangi S./ Karingi, Stephen N. (2012): ‘Consolidating Africa’s Regional Integration Efforts’ in: John Olatunji Adeoti et al. (eds.): *Foresight Africa: Top Priorities for the Continent in 2012*, Africa Growth Initiative at Brookings, http://aefjn.eu/tl_files/aefjn-files/Africa/Africa%20news%20eng/AfricaInfo/01_foresight_africa_full_report%5B1%5D.pdf#page=12 (22-03-2014).

Kindiki, Kithure (2003): 'The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security: A critical appraisal', *African Human Rights Law Journal* 3 (1), 97 – 117.

Kioko, Ben (2003): 'The right of intervention under the African Union's Constitutive Act: From non-interference to non-intervention', *International Review of the Red Cross* 85 (852), 807 – 825.

Knight, W. Andy (2008): *The Zimbabwe Crisis and R2P*, E-International Relations, 21 July 2008, http://www.e-ir.info/2008/07/21/the-zimbabwe-crisis-and-r2p/ (05-04-2014).

Langer, Johannes (2011): 'The Responsibility to Protect: Kenya's Post-Electoral Crisis', *Journal of International Service* Fall 2011, 1 – 18.

Linklater, Andrew (1998): *The Transformation of Political Community: Ethical Foundations of the Post Westphalian Era* (Cambridge: Polity).

Little, Richard (2007): *Methodological Pluralism and the History/ Theory Link in the English School*, presented at the SGIR 6th Pan-European IR conference Torino, Italy, 12-15 September 2007, http://turin.sgir.eu/uploads/Little-Turin_Paper.pdf (28-11-2013).

Makinda, Samuel M./ Okumu, F. Wafula (2008): *The African Union. Challenges of Globalization, Security, and Governance* (Milton Park: Routledge).

Maluwa, Tiyanjana (2003): 'The Constitutive Act of the African Union and Institution-Building in Postcolonial Africa', *Leiden Journal of International Law* 16 (1), 157 – 170.

Mangu, André Mbata B (2005): 'The Changing Human Rights Landscape in Africa: Organisation of African Unity, African Union, New Partnership for Africa's Development and the African Court', *Netherlands Quarterly of Human Rights* 23 (3), 379 – 408.

Mayall, James (2000): *World Politics: Progress and Its Limits* (Cambridge: Polity).

Mbenge, Makana Moïse/ Illy, Ousseni (2012): 'The African Economic Community' in: Abdulqawi A. Yusuf and Fatsah Ouguergouz (eds.): *The African Union: Legal and Institutional Framework. A Manual on the Pan-African Organization*, 187 – 202.

Mei, Anne Pieter van der (2009): *The Ordeal of African Unity –Past, Present and Future of the African Union*, Maastricht Faculty of Law Working Paper 2009-5, http://ssrn.com/abstract=1345732 (20-03-2014).

Mevel, Simon/ Karingi, Stephen (2013): 'Towards a Continental Free Trade Area in Africa: A CGE Modelling Assessment With a Focus on Agriculture' in: David Cheong, Marion Jansen and Ralf Peters (eds.): *Shared Harvests: Agriculture, Trade and Employment*, International Labour Office and United Nations Conference on Trade Development (Geneva: ILO and UNCTAD), 281 – 308.

Mitchell, Ronald B. (2001): 'Institutional Aspects of Implementation, Compliance, and Effectiveness' in: Urls Luterbacher and Detlef Sprinz (eds.): *International Relations and Global Climate Change* (Cambridge: MIT Press), 221 – 244.

Mugwanya, George William (2001): 'Examination of state reports by the African Commission: A critical appraisal', *African Human Rights Law Journal* 1 (2), 268 – 284.

Murithi, Tim (2012): 'The African Union at Ten: an Appraisal', *African Affairs* 111 (445), 662 – 669.

Mwanasali, Musifiky (2010): 'The African Union, the United Nations, and the Responsibility to Protect: Towards an African Intervention Doctrine', *Global Responsibility to Protect* 2 (4), 388 – 413.

New Partnership for Africa's Development (n.d.): *About*, http://www.nepad.org/about (02-04-2014).

Nkrumah, Kwame (1961): *I Speak of Freedom. A Statement of African Ideology* (London: Heinemann).

Odinkalu, Chidi Anselm (2013): 'From Architecture to Geometry: The Relationship between the African Commission on Human and Peoples' Rights and Organs of the African Union', *Human Rights Quarterly* 35 (4), 850 – 869.

Organization of African Unity (1999): *Sirte Declaration*, Fourth Extraordinary Session of the Assembly of Heads of State and Government, 8-9 September 1999, Sirte, Lybia, EAHG/Draft/Decl. (IV) Rev.1, http://www.au2002.gov.za/docs/key_oau/sirte.pdf (20-03-2014).

Ouguergouz, Fatsah (2012): 'The African Court of Justice and Human Rights' in: Abdulqawi A. Yusuf and Fatsah Ouguergouz (eds.): *The African Union: Legal and Institutional Framework. A Manual on the Pan-African Organization*, 119 – 142.

Packer, Corinne A.A./ Rukare, Donald (2002): 'The New African Union and its Constitutive Act', *The American Journal of International Law* 96 (2), 365 – 379.

Panyarachun, Anand (2004): *A More Secure World: Our Shared Responsibility, Report of the Secretary General's High-level Panel on Threats, Challenges and Change* (New York: United Nations), http://www.responsibilitytoprotect.org/legacyDownload.php?module=uploads&func=download&fileId=102 (18.12.2013).

Pugliese, Jessica (2014): 'Will There Be an African Economic Community?', *Brookings*, 9 January 2014, http://www.brookings.edu/blogs/africa-in-focus/posts/2014/01/09-african-economic-community-pugliese (20-02-2014).

Raustiala, Kal/ Slaughter, Anne-Marie (2006 [orig. 2002]): ‘International Law, International Relations and Compliance’ in: Walter Carlsnaes, Thomas Risse and Beth A. Simmons (eds.): *Handbook of International Relations* (London: Sage) 538 – 558.

Safari Africa Radio (2013): *Maputo Protocol a Hard Won Victory for Women*, 14 October 2010, http://safariafricaradio.com/index.php/section-blog/96-women/807-maputo-protocol-a-hard-won-victory-for-women (26-02-2014).

Samb, Moussa (2009): ‘Fundamental Issues and Practical Challenges of Human Rights in the Context of the African Union’, *Annual Survey of International & Comparative Law* 15 (1), 61 – 74.

Sarkin, Jeremy/ Paterson, Mark (2010): ‘Special Issue for GR2P: Africa’s Responsibility to Protect. Introduction’, *Global Responsibility to Protect* 2 (4), 339 – 352.

Sceats, Sonya (2009): 'Africa's New Human Rights Court: Whistling in the Wind?’, *Chatham House International Law Briefing Paper* 9 (1), March 2009, http://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/bp0309sceats.pdf (28-02-2014).

Schmitz, Hans Peter/ Sikkink, Kathryn (2006 [orig. 2002]): 'International Human Rights' in: Walter Carlsnaes, Thomas Risse and Beth A. Simmons (eds.): *Handbook of International Relations* (London: Sage), 517 – 537.

Schneidman, Whitney (2014): ‘Hearing on "Will There be an African Economic Community?"’, *Brookings*, January 2014, http://www.brookings.edu/research/testimony/2014/01/09-african-economic-community-schneidman (23-02-2014).

Simmons, Beth (2008): ‘International Law and International Relations’ in: Keith E. Whittington, R. Daniel Kelemen and Gregory A. Caldeira (eds.): *The Oxford Handbook of Law and Politics* (Oxford: Oxford University Press), 187 – 208.

Simmons, Beth (2009): *Mobilizing for Human Rights. International Law in Domestic Politics* (Cambridge: Cambridge University Press).

Stivachtis, Yannis A./ Webber, Mark (2011): 'Introduction: Regional International Society in a Post-Enlargement Europe', in: Yannis A. Stivachtis and Mark Webber (eds.): *Europe After Enlargement, special issue, Journal of European Integration* 33 (2), 101 – 116.

Stivachtis, Yannis (2013): *The English School and the Study of Sub-global International Societies*, http://www.e-ir.info/2013/05/08/the-english-and-the-study-of-sub-global-international-societies/#_edn1 (10-04-2014).

Sturman, Kathryn (2007): ''New Growth on Deep Roots' Prospects for an African Union Government', *ISS Paper* 146, June 2007, http://www.issafrica.org/uploads/Paper146h.pdf (10-04-2014).

Sy, Amadou (2014): 'Hearing on "Will there be an African Economic Community?"', *Brookings*, 9 January 2014, http://www.brookings.edu/research/testimony/2014/01/09-african-economic-community-sy (20-02-2014).

Tavares, Rodrigo/ Tang, Vanessa (2011): 'Regional economic integration in Africa: impediment to progress?', *South African Journal of International Affairs* 18 (2), 217 – 233.

United Nations General Assembly (2005): *2005 World Summit Outcome*, A/60/L.1, 15 September 2005, http://responsibilitytoprotect.org/world%20summit%20outcome%20doc%202005(1).pdf (18-12-2013).

United Nations Mission in Darfur (n.d.): *Background*, http://unamid.unmissions.org/Default.aspx?tabid=10998 (19-02-2014).

United Nations News Centre (2011): *Libya: Ban welcomes Security Council authorization of measures to protect civilians*, 18 March 2011, http://www.un.org/apps/news/story.asp?NewsID=37809&Cr=Libya&Cr1#.U0BVGlezP5c (05-04-2014).

United Nations News Centre (2014): *Amid deteriorating conditions in Darfur, UN official urges all parties to join peace effort*, 23 January 2014, http://www.un.org/apps/news/story.asp?NewsID=46991&Cr=darfur&Cr1=#.UwTQF4W2z5c (19-02-2014).

United Nations Security Council (2011a): *In Swift, Decisive Action, Security Council Imposes Tough Measures on Libyan Regime, Adopting Resolution 1970 in Wake Of Crackdown on Protesters*, 26 February 2011, http://www.un.org/News/Press/docs/2011/sc10187.doc.htm (05-04-2011).

United Nations Security Council (2011b): *Security Council Approves 'No-Fly Zone' Over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions*, 17 March 2011, https://www.un.org/News/Press/docs/2011/sc10200.doc.htm (05-04-2011).

Viljoen, Frans/ Louw, Lirette (2007): 'State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1993 – 2004', *The American Journal of International Law* 101 (1), 1 – 34.

Viljoen, Frans (2011): 'Human Rights in Africa: normative, institutional and functional complementarity and distinctiveness', *South African Journal of International Affairs* 18 (2), 191 – 216.

Viljoen, Frans (2012 [orig. 2007]): *International Human Rights Law in Africa*, (Oxford: Oxford University Press); second edition.

Vincent, Raymond J. (1986): *Human rights and international relations* (Cambridge: Cambridge University Press).

Weinert, Matthew S. (2011): 'Reframing the Pluralist-Solidarist Debate', *Millenium – Journal of International Studies* 40 (1), 21 – 41.

Wendt, Alexander (1999): *Social Theory of International Politics* (Cambridge: Cambridge University Press).

Wernert, Yann (2011): *Die Rolle der Afrikanischen Union in den Regionalkonflikten von Somalia und Sudan* (Potsdam: Universitätsverlag Potsdam).

Wheeler, Nicholas J. (1992): 'Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention', *Millenium – Journal of International Studies* 21 (3), 463 – 487.

Wheeler, Nicholas J. (2000): *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press).

Williams, Paul D. (2009): 'The "Responsibility to Protect", Norm Localisation, and African International Society', *Global Responsibility to Protect* 1 (3), 392 – 416.