

Theme:
African Union and African Heads of State:
Compromise or Failure?
The case study of Benin Republic, Cote d'Ivoire, and
Guinea Conakry.



Benin



Cote d'Ivoire



Guinea Conakry

Theme:

African Union and African Heads of State: Compromise or Failure? The case study of Benin Republic, Cote d'Ivoire, and Guinea Conakry.

Presented by

Dr. Ifè Paul ATIHOUE

**University of Abomey-Calavi
Republic of Benin.**

VISITING RESEARCH FELLOW AT LAGOS ACC AND IADS, UNILAG, 2022

Outline of the Presentation

- INTRODUCTION
- I- A Retrospective of OAU-AU
- II- Perspectives of AU
- III – Prospectives of AU
- CONCLUSION and RECOMMENDATIONS

INTRODUCTION

- Among the five continents in the world, Africa remains the most problematic although it is the richest one in raw materials. This continent has suffered several kinds of humiliations which hamper its real development.

Introduction

- - Slavery
- - Colonization (which was a crude sociological experiment)
- - Apartheid
- -Decolonization
- Globalization

Introduction

- As a matter of fact, the Independence of the 1960s brought no significant change in most African countries. Some African countries are currently poorer than they were before the Independence.

Introduction

- The euphoria of the Independence quickly dissipated, giving way to terrible disenchantment. And that was the atmosphere which prompted to the creation of the Organization of African Unity (OAU) on May 25, 1963, with a qualitative upgrade into the African Union in 2002 .

Introduction

- The African Court on Human and Peoples' Rights came into force on January 25, 2004 as the judicial arm of the AU, and is one of only three regional human rights courts (together with the European Court of Human Rights and the Inter-American Court of Human Rights).

Introduction

- Thirty-one African countries have ratified the protocol establishing the AfCHPR, of which only ten have made a special declaration allowing individuals and NGOs to submit cases directly to the court: **Benin**, Burkina Faso, **Cote d'Ivoire**, Gambia, Ghana, Mali, Malawi, **Rwanda**, **Tanzania**, and Tunisia. Its headquarter is in Arusha, Tanzania.

INTRODUCTION

- This paper seeks to shed light on the on-going evolution of the OAU-AU on the one hand, and the difficulties confronted by the AfCHPR on the other hand. Furthermore, this topic is a very topical one since it is ensioning for African countries an urgent need for cooperation, integration and solidarity. This topic is also an autopsy of the evils which obstruct the real development of Africa.

INTRODUCTION

Some African Heads of State would not allow the African Court to play its part efficiently. They blithely flout its decisions. For instance, we can cite the current President of the Republic of Benin, Mr. Patrice Talon, Alassane Dramane Ouattara of Cote d'Ivoire, and the ousted President of Guinea Conakry, Alpha Condé, etc.

I – A Retrospective of OAU-AU

- A retrospective, generally, is a look back at events that took place in the past. It's an important moment to gather feedback on what went well and what did not.
- The OAU was founded by some iconic pan-Africanists like Kwame Nkrumah and Aile Selassie, etc.

A Brief History of the Organization of African Unity

- The first Congress of Independent African States was held in Accra, Ghana on April 15, 1958. It was convened by the Prime Minister of Ghana, Kwame Nkrumah, and included a delegation from Egypt , Ethiopia, Ghana, Liberia, Tunisia and the Union of Cameroon Populations.

- The Union of South Africa is not invited. The Conference shows cases of the progress of the continent's liberation movements as a symbol of the determination of the Peoples of Africa to free themselves from foreign domination and exploitation.

- The Conference foreshadows subsequent meetings of African Heads of State and Government, those of the “Casablanca Group” and the “Monrovia Group” which precede the creation of the OAU in 1963.

- Five years later, on May 25, 1963, representatives of thirty-two African Nations met in Addis Ababa, Ethiopia, **hosted by Haile Selassie**. At that time, two-thirds of the continent gained independence, most of the time wrested from colonialist European States.

- It was on this occasion that the OAU was founded. The Organization pledges to support the work carried out by freedom fighters. A Charter is drawn up, aimed at improving the standard of living in the Member States. Haile Selassie declares: “May this Union last a thousand years.”

- The Charter was signed on May 26th by the participants.
- In 2002, the OAU was replaced by the African Union (AU).

The Birth of the African Union (AU)

- In July 2002, the African Union (AU) was officially set up in Durban, South Africa, following a decision in September 1999 by its predecessor, the OAU to establish a new continental organization to build on its work.

- The AU is guided by its vision of “**An integrated, Prosperous and Peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.**”

The Launching of the African Court on Human and Peoples' Rights

- The African Court on Human and Peoples' Rights (The African Court) is a continental Court, a supranational court set up by African countries to ensure the protection of human and people's rights. It was established through a protocol to the African Charter.

II - Perspectives of the African Union(it is the way that one looks at something)

- The African Union is today a great disappointment. It does not play any more the part it should play, which is peace making, economic integration, and development. For instance, some countries like Benin Republic, Cote d'Ivoire and Guinea Conakry are champions in the violation of human rights.
- African Union « Agenda 2063 – The Africa we want. »

- **We rededicate ourselves to the enduring Pan African vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena. We are confident that Africa has the capability to realize her full potential in development, culture and peace and to establish flourishing, inclusive and prosperous societies.**
- **We thus, commit to act together towards achieving aspirations:**

- **ASPIRATIONS**
- 1 – A prosperous Africa based on inclusive growth and sustainable development.
- 2 – An integrated continent politically united based on the ideals of Pan Africanism and the vision of Africa's Renaissance.
- 3 – An Africa of good governance, democracy, respect for human rights, justice and the rule of law.
- 4 – A peaceful and secure Africa.
- 5 – An Africa with a strong cultural identity, common heritage, values and ethics.
- 6 – An Africa, whose development is people driven, relying on the potential of African people, especially its women and youth, and caring for children.
- 7 – Africa as a strong, unified, resilient and influential global player and partner.

- The African Court on Human and Peoples' Rights considered in particular that Benin government had violated

- **The right to strike of the workers**
- **The right of life, the right not to subject to torture and the right to an inherent human dignity**
- **The right not to be discriminated against.**
- **The right of victims**
- **The right to freedom association and the right to participate freely in the conduct of public affairs in one's country.**
- **The right to freedom of association.**
- **The right to independence and impartiality of electoral bodies**
- **The right to the independence of the judiciary.**

The African Court on Human and Peoples' Rights pointed out On November 27th and December 4th, 2020, that all the texts adopted by the current regime of President Patrice Talon had created a situation constituting a risk to the peace and security of the Beninese citizens. As a result, he was asked to annul, to cancel all those texts before the organization of any elections.

- But the administration of President Talon refused to comply with that order arguing that it violates the sovereignty of the nation.
- In April 22, 2020, Benin government issued a fatal blow to the AfCHPR by deciding to withdraw from its protocol thus preventing individuals and NGOs from bringing cases to the AfCHPR.
- In April 28, 2020, Cote d'Ivoire did also the same thing.

- In the provisional measures in Guillaume Soro and others v. Cote d'Ivoire authorities to suspend an arrest warrant against Guillaume Soro, a former rebel leader, former prime minister, former president of the National Assembly and presidential hopeful, aspirant.
- Guinea Conakry of Professor Alpha Condé.

Failure or Compromise ?

- **Failure**
- The major dream of the Founding Fathers of the Organization of the African Unity (OAU) in 1963 and the launching of the African Union (AU) in 2002 has been betrayed by some African heads of State. That dream is today on hold.

Compromise

- During Benin so-called presidential elections of April 2021 which resulted into riots here and there, and the death of many innocent citizens by the army, the 16 African Union observers did not blame the government.
- They even concluded with approval that the election was “calm” and “took place in a peaceful atmosphere.”

- Remarking on the absence of queues and voters, they recommended education campaigns to increase future turnout. The AU observers encouraged the government to continue promoting “a climate of calm and serenity” in future electoral processes.

- The Agenda 2030 and 2063 cannot be achieved with the current abundant violation of human rights in nearly all the African nations.

III – Prospectives of African Union

- The future of African Union is gloomy. Any development cannot be assured in any country where human rights are not guaranteed. Freedom is obedience to the laws that we have prescribed. A democracy cannot do without criticism, contradictions, and dissenting voices.

CONCLUSION and RECOMMENDATIONS

- All in all, the African Union is confronted with serious difficulties which prevent it from achieving its goals. The problem of AU today is self-inflicted. Africa is virtually the architect of its current problems. Africa still remains the poorest continent despite its natural wealth. Many challenges remain to be met. The development of African continent is now in danger.

- **The concept of development has been defined in various ways by different scholars. The most popular definition is the one credited to Professor Muyiwa Falaiye, the current Director of Lagos ACC and IADS-UNILAG which stipulates that:**

- “The only time when development and underdevelopment make sense is in a comparative view.
- Paradigms must change. The change should start with redefining the meaning of development.
- Africa has developed and Africa is still developing. The question is: In what direction is Africa developing? Is it developing in a direction to suit the will of the West? Is Africa supposed to develop in a comparative sense that puts us in a perpetual race to catch up with the West? Or is Africa developing in its own way, in its own understanding reality, and in its own way of improving its own environment, to be able to live well within its own environment without necessarily copying what the West has imposed on us?”

- Prof Ayo Yusuff would add more by saying:
- “Development is the result of efforts geared toward achieving peace and happiness for people and the environment. Development is culture-based and therefore definable by cultural values. These cultural values are archived by indigenous languages of the people who seek to enjoy the benefits of development. So, the conception of development varies from people to people. One group cannot set the criteria for attainment of development. What is witnessed in the Sustainable Development Goals (SDG) and their incongruity with the need and expectation of Africans in Africa on development further confirms that the concept is culture dependent.”

- **United Nations Declaration on the Right to Development**
- **The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.**

- The African Union should play its fundamental role which is To promote the unity and solidarity of the African States, To coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa, To defend their sovereignty, their territorial integrity and independence, To eradicate all forms of colonialism from Africa, To promote democratic principles, to name but a few.

Conclusion

- All the 54 African countries should ratify the protocol establishing the AfCHPR and make a special declaration allowing individuals and NGOs to submit cases directly to the court.

**THANK YOU
VERY MUCH
FOR YOUR
ATTENTION!**