KEYNOTE ADDRESS BY

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I am grateful for the opportunity to address this important Seminar, on behalf of the Organization of African Unity. My presence in Tokyo reflects the importance that the Secretary General attaches to the relations between the Organization of African Unity/African Union and Japan - a global power that has consistently shown understanding and sensitivity when dealing with African issues. It is hardly surprising therefore that in Africa today, the symbols of Japanese ingenuity, creativity and hard-work are very evident in all the nooks and corners including even the most remote village in the continent.

I should also like at the outset, to express the appreciation of the Organization of African Unity to the Government and people of Japan for the strong and consistent support that have been extended to the Organization and to its member states. TICAD, in its various stages of development - I, II and III, are testimonies to the drive, determination and enterprise that underlie a very progressive and refreshing Japanese policy in Africa.

We have also not lost sight of the fact that this Symposium is taking place at a time that the OAU is preparing for its transformation into the new African Union. Occasions like this, give us an opportunity to listen to our friends and partners, draw lessons from the past, take stock of our past achievements and failures and prepare Africa to assume its rightful place within the community of nations. Indeed, democracy, governance, the protection and promotion of human rights, as well as respect for

the rule of law, conflict prevention, management and resolution, are increasingly becoming the labels that sum up the political context of the current preoccupations of our leaders and the ordinary people of Africa and their continental Organization.

The establishment of the African Union is a culmination of the efforts of Africans to secure greater unity, peace, security, stability and development on the continent. This was also the ideal that drove visionary leaders and founding Fathers like Kwame Nkrumah, Nnamdi Azikiwe, Gamal Abdel Nasser, Leopold Senghor, Julius Nyerere and others, to establish the OAU in 1963. Subsequently and after many other initiatives and false starts, the adoption of the Sirte Declaration of 1999 and the Constitutive act of the African Union at the Lome Summit of 2000, were all part and parcel of the determination of African leaders to enhance unity, strengthen cooperation and coordinate initiatives, with appropriate legal and constitutional frameworks, which would bring about a greater cohesion and effectiveness of African initiatives.

The establishment of the African Union therefore, must be seen within the context of a unique opportunity open to all African States ad peoples to work together for the realization of all their aspirations and to focus all their energies and creativity within an integrated political, economic, social and cultural development under the umbrella of the Union. Essentially, the decision that was first taken at Sirte, Libya, was a compromise between African leaders who wanted to establish a unitary continental government

under what was to be known as the United States of Africa, much akin to the United States of America, complete with a President and a Congress; and others who saw greater unity as an evolutionary process and an ideal to be attained through the establishment of a Community or Union or sovereign member states. The latter states prevailed ultimately.

However, whatever school of thought one belonged to, what was unambiguous, was the fact that Africans did not want to leave anyone in doubt about the desire to enhance their unity and to advance the collective interests and well being of Africans in a globalizing world. In contrast, some of the unfortunate reaction that greeted the establishment of the Union by the so-called afro-pessimists and other sceptics who are not convinced that anything good can come out of Africa, either to be dismissive or to ridicule the efforts to establish the African Unity or even attribute the Union to the whims of one leader, completely misses the point and represent an unacceptable insult on the intelligence of our leaders. Such attempts are very patronising to the continent and its peoples.

It is within this context that the point has to be made that all the key objectives contained in the OAU Charter have been retained in the Constitutive Act of the African Union. However and more importantly, in order to reflect current realities and address contemporary challenges, the Act also enumerates other key objectives that were not captured in the OAU Charter.

The first category consists of principles, which though not previously provided for in the OAU charter, are now more or less generally recognized in international law. These principles relate to: rejection of the use of force to settle inter state problems; peaceful coexistence among states and their right to live in peace and security; and, respect for democratic principles, human rights, rule of law and good governance. The second category of principles reflects the new thinking and approach among African states on how to coordinate common responses to present day political and socio-economic challenges.

In essence, the elaboration of these principles, reflect an attempt by African states to create an Organization that is responsive to the contemporary demands and aspirations of the ordinary people of the continent; the principles of participation by Africans in the activities of the Organization; the establishment of a common defence policy for Africa; the right of the African Union to intervene in member states under certain conditions, including war crimes, genocide and crimes against humanity; the right of member states to request intervention from the Union in order to restore peace and security, the promotion of self-reliance, the promotion of gender equality, the promotion of social justice so as to ensure balanced economic development and the condemnation, as well as rejection of all unconstitutional changes of government.

The major point of departure on which the establishment of the African Union is predicated, is that it should represent a qualitatively higher form of unity and integration for the African continent and an Organization, which can function in a more efficient and effective manner an meet the aspirations of Africans in the priority areas of peace and security, development and integration. Similarly, the issues of gender equality, good governance democratisation, humanitarian intervention, intervention in the internal affairs of states to end crimes against humanity and the rejection of unconstitutional changes of government, are all issues which inclusion as principles in a constitutive legal text, would have been unthinkable and/or unacceptable in Africa, a decade ago.

Yet, in an era in which post-independence Africa has witnessed the horrors of genocide, ethnic and religious conflicts, corruption, impunity, bad governance, abuse of human rights etc. perpetuated on its own soil and against her own kind, it would have been absolutely amiss for the Constitutive Act to remain silent on the question of the right by the Union to intervene in certain situations. By so doing, African leaders are signalling the fact that they will act collectively to end the unacceptable abuses in Africa, for non-interference in the internal affairs of states which in the past, was used to mean inaction and to cover up all sorts of abuses, can no longer be interpreted to mean indifference.

Similarly, the declared commitment to the promotion and protection of human rights would remain meaningless without particular attention being paid to the promotion of gender equality and appeals to democratisation, good governance and the rule of law that are to be buttressed by the unequivocal condemnation and rejection of unconstitutional changes of government. All these were taboo subjects among the fraternity of African political leadership until recently.

By providing for the suspension of governments which come to power through unconstitutional means, the Constitutive Act strengthens and codifies the relevant resolutions adopted recently the OAU's Policy Organs on the need to impose sanctions on governments that violate democratically established constitutional authority and to require such regimes to restore constitutional order speedily. This should be viewed within the context of the current engagement by the OAU and its member states, (in spite of a few setbacks here and there), with the issues of democratisation human rights and good governance.

At the technical level, the Constitutive Act also establishes new Organs not previously provided for under the OAU Charter. These include: The Commission, The Pan African Parliament, The Court of Justice, The Permanent Representative Committee, The Specialised Technical Committees, The Economic and Social Council and the Financial Institutions. The challenge of financing

about 17 Organs from the existing 4 is formidable, but they fall outside the scope of this address.

The significance of the difference between the OAU Charter and the Constitutive Act, does not simply lie in the designation of the new Organs and institutional structures created under the Act, but also in the fundamental objectives which the new Organization sets out to achieve, and the principles which will inform and underlie the execution of these objectives. The change from the OAU to the African Union does not therefore represent a mere change of name.   Rather, it signifies a new paradigm to the coordination of inter-African cooperation and a determination to forge ahead with the creation of a new institutional framework that will peace, security and development to flourish on the continent.

Let me now focus on the theme "the State and Governance in Africa", which is the theme for this Symposium. I should like to preface my comments on this issue by stating that based on our past experiences in all parts of the continent, it is manifestly clear that the process of democratisation on the African continent is irreversible, in spite of a few setbacks here and there. Indeed, there is evidence to suggest that our leaders and our peoples are determined to give democracy and good governance, a chance to take root on the continent. However, it is also clear to me that to do so, Africa needs the continued, genuine and even-handed support of its partners and friends in the wider international

community. It is also important that these friends and partners should have the humility not to prescribe a "one cap fits all" recipe for strengthening the democratisation process on the continent. In my humble view, their role should be one of supporting Africa's efforts at democratisation based on local realities and circumstances.

This is why we at the OAU/AU, have bee working on the assumption that while the fundamental principles of democracy and good governance are universal, their practical application must vary from country to country depending on the specificity of each country. On this understanding, African countries should be entitled to determine the application of democratic governance on the basis of their socio-cultural values, taking into account their specific realities. Indeed, the dimension of cultural values and historical experiences are relevant in the application and consideration of democracy in our societies in Africa.

Africans like other peoples all over the world, aspire for liberty, human dignity, equity and socio-economic progress and development. But while these are universal values, which are a common heritage of humanity, there are no ready-made recipes for democracy and governance. We at the OAU/AU, firmly believe that each society should generate its home-grown modalities for forging ahead with democracy and good governance on the basis of universally recognized principles.

To us, the issues of democracy and governance in Africa are inseparable. The wind of change and democracy blowing across Africa and the dividends of democracy, feeds our hope for a better future and the attendant revolution of rising expectations, presents us with formidable challenges. It is our conviction that the ongoing processes on the continent, including those initiated by our leaders under NEPAD, will lead to good governance and good governance in turn, will ensure the sustainability of democracy and development in Africa. In this regard, good governance must be seen as a generally accepted process that recognizes the centrality of the people in decision-making at all levels. Good governance must allow for the full participation of the people in national development endeavours.

There are clear lessons in Africa, to demonstrate that the people (civil society), must be allowed to lead and manage the processes aimed at sustaining good governance and development in Africa. In this regard and based on the current work being done by the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) process, it is important that governments and the people share community or common values and aspirations and collectively address common challenges.

Indeed, governance in Africa must entail a process within which the people are empowered, as envisaged in the ECOSOC Organ of the AU, to have sufficient latitude to set out priorities for their socio-economic, political and other developmental needs and to

make inputs as well as influence the decisions of governments based on a clear understanding of the roles and responsibilities of both sides and a recognition of the fact that civil society needs strong, confident and competent governments to operate successfully.

In this regard, experience has also shown that governance in Africa must be addressed in the context of state power and authority. This is essentially because the manner and style in which the authority is exercised and managed, defines the nature and scope of state power in relation to the governed. The Executive branch must remain key in building democracy, good governance and human security, as well as in promoting sustainable development.

It must now be acknowledged that in Africa, the liberation struggle was not just a struggle for freedom from colonialism and freedom to independence and national sovereignty. It was essentially, a struggle for democracy and freedom for the people of Africa to decide on their own destiny. However, as Africa moved into the post-independent era, the struggle for democracy and good governance changed both in form and content. In some parts of the continent, the institutions designed to promote and strengthen democracy and good governance became, by and large, integral instruments of the state power, legitimising what the state wanted legitimised and constraining peoples legitimate concerns about the nature of their state and government. The governors separated

themselves from the governed and by so doing, alienated the people. In other words, some leaders were loosing their moral authority to govern as they failed to respond to the demands and aspirations of the people. But, they never accepted to relinquish power. These institutions, supposedly of democracy, sometimes proclaimed right, what the state wanted and wrong, what was not acceptable to the state.

As this situation grew worse, the legislature in some parts of Africa had little latitude for action, precisely because of the nature of the electoral processes and the manner in which members have selected. However, over the years, the legislature in parts of Africa had undergone fundamental changes, especially, with the shift from the dominant single parties to multi-party politics, except in a few countries. If democracy is the rule or power of the people, then the legislature must reflect and defend the will of the people. It therefore deprives itself of its moral authority if it does not recognize the indivisible will of the people.

But we cannot wish away certain historical facts in Africa. The reality today is that there are in parts of Africa, ethnic, racial and religious divisions as well as political and personal selfish interests, which have stood in the way of an overriding sense of national community, thereby complicating the process of democratisation and good governance in Africa. These divisions have given rise to the potential and actual proliferation and escalation of conflicts in Africa.

Let me at this stage, try to draw lessons from Africa's experiences in the electoral process. Politics in Africa as elsewhere, ultimately, hinges on the relationship between the leaders and the governed. But if we proceed from the premise that in order to have democracy we must have, to same degree a government of the people, the question we might want to ask is, when and how do we know that the people are governing? We can only know that the people are governing when they speak with their votes. Indeed, the democratic process in Africa and elsewhere is encapsulated in elections and electing. Elections should verify consensus and do away with presumed or fraudulent processes. However, we still must remember that elections are a continuum and not an end in themselves.

Between elections, the peoples power remains largely quiescent; and there is also a wide margin of discretion, let alone discrepancy between broad electoral choices, and concrete governmental decisions. Further, elections register the voters' decisions, but how are these decisions arrived at? Elections compute opinions, but where do these opinions come from and how are they formed? Indeed, as the recent experience in one of Africa's much talked about elections clearly revealed, elections and voting always have a pre-voting background. While we must not downgrade the importance of elections, we cannot isolate the electoral event from the whole circuit of opinion-forming processes. If elections are the means to an end, the end must be a government responsive to

and responsible toward public opinion. We often say that elections must be free. This is true, but it is not enough, for opinion too must be in some basic sense, free. Free elections with unfree opinion is an exercise in futility. We say that the people must be sovereign. But an empty sovereign who has noting to say, without opinions of his or her own, is a mere ratifier, a proforma sovereign.

Experience in Africa has clearly demonstrated that while elections constitute a crucial stage in a democratic process, they do not, by themselves, provide sufficient conditions for the consolidation of democracy and good governance. As the recent experience illustrated, elections per se are not the panacea for democracy and good governance. Beyond the electoral process which is crucial, we need to build the institutions that will sustain democracy.

The challenge of good governance is one of reconciling the laws and regulations as they exist and their application on the ground. This has to do with the attitude of office holders and other leaders. It has also to do with the bad habits inherited from the past and which proved to be difficult to get rid of. This requires that committed Africans both from state institutions and the public at large should assume their responsibilities. Clearly, the challenge of good governance also requires the active involvement of the people and their Organizations within civil society. For no right can be taken for granted. Africans are finally coming to terms with the fact that they must fight for their rights. The challenge of good governance is therefore one of building a partnership between

committed Africans and the ordinary people in the continent in forging a strong constituency for democracy and good governance.

In forging this partnership and addressing the problems of Africa, including human security in a sustainable manner, two key initiatives have been launched which should provide further impetus for addressing the challenges that I have covered in this address. These are, NEPAD and the CSSDCA.

The rationale behind NEPAD seems to be anchored on the fact that for too long, Africa had depended on the rest of the world as if the rest of the world owed us a living and in a way that left the continent reacting to borrowed or imposed ideas, without developing and articulating its own vision and programme of action. Many of the initiatives designed for Africa, often without the consent of its peoples and leaders, failed because of reasons such as poor conducive environment, lack of resources and capacity, lack of political will, commitment and involvement and the interference of outside interests. NEPAD seeks answers to the question often asked, why is Africa one of the most endowed regions in the world, in terms of resources, the poorest continent, with not less than half of its people living below the poverty line.

Through NEPAD, African leaders signalled their resolve to come together to launch a home grown initiative, in order to be the principal architects of their own future, regain the identity and self-confidence of its peoples, and to put the continent back on the

path of peace, political stability, economic prosperity and sustainable development. Broadly therefore, the objectives of the NEPAD are to eradicate extreme poverty in Africa, put the continent on the path to accelerated growth and sustainable development and reverse the marginalisation of Africa in the globalisation process.

As a vision, NEPAD seeks to capture the deep yearnings, frustrations and hopes of Africa, its peoples and leaders. It offers clear goals as well as an integrated and autonomous approach to resolving problems in Africa, including the restoration of peace and stability, the entrenchment of good governance and effective leadership, resumption of accelerated growth and sustainable development, reduction of poverty and income inequality, rehabilitation and construction of infra-structural facilities, a new partnership based on mutual benefits, responsibilities and clearly defined obligations. Transparency, accountability and rule of law, investment in human development anti-corruption campaign, debt remission, food security, conflict prevention and resolution are all essential ingredients upon which NEPAD was established.

The third leg of the tripod is the Conference on Security, Stability, Development and Cooperation (CSSDCA), which essentially, establishes the tenets of interaction between African States, and provides a mechanism for monitoring compliance with decisions taken by the leaders, conducting performance analysis on the

implementation of decisions and projects, and generally undertakes evaluation and feedback reports.

Through its conferences, the CSSDCA will provide monitoring, evaluation and feedback mechanisms on the various policies and projects executed by the organs of the African Union. Indeed, the objective of the CSSDCA is to create a framework for common values as a basis for policy convergence that would give concrete meaning, form and structure to notions of African destiny and African ownership. The CSSDCA is not an organization but a tool for the advancement of community objectives enshrined in the Constitutive Act of the Union. Its agenda covers the spectrum of activities of the African Union (security, stability, development and cooperation) but only as a vehicle for relating the parts to each other and providing a barometer for sustaining and measuring progress.

The African Union is the new Continental Framework for the defence and promotion of the collective interests of Africa and thus, the sole instrument of legitimacy for the expression of a common African will. Every initiative that is genuinely African must contribute in some significant ways to the attainment of the ideals of the African Union. Within this context, both the CSSDCA Process and the New Partnership for Africa's Development (NEPAD), contain instruments and programmes and could thus serve as organizational vehicles tools for the advancement and attainment of the goals of the new African Union.

The establishment of the African Union combined with NEPAD and the CSSDCA, contains the essential ingredients for the actualisation of Africa's development process. The immediate challenge is for the initiatives to be harmonized so that they can mutually reinforce each other for the benefit of the overall political, economic and social agenda for Africa and Africans.