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Punching above Weight: How the African Union Commission Exercises Agency in Politics

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journals.sagepub.com/home/afr**Thomas Kwasi Tieku**

Abstract

Conventional narratives suggest that the African Union Commission (AUC), like most international public administrations and international organisations (IOs) housed in the less materially endowed regions of the world, exercises no meaningful agency on international issues. This article however seeks to show that the AUC is neither a glorified messenger and docile follower of orders of governments nor is it an empty vessel that timidly goes where the wind of governments blows. Rather, the AUC exercises significant agency on issues that affect not just the African continent but also the broader international system. The AUC is often at the heart of international agenda-setting, norm development, decision-making, rule creation, policy development, and it sometimes offer strategic leadership. The article demonstrates six pathways through which the AUC acts like a tail wagging a dog.

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Keywords

Africa, African Union, African agency, international organisation, international bureaucracy, IR theory, African Union Commission

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Introduction

Conventional international relations (IR) accounts of actors that exercise agency in global affairs typically exclude international organisations (IOs) housed in and/or composed exclusively of states in the Global South. The assumption is that the bureaucracies of these IOs lack meaningful agency (for discussions of Global South actors as lacking meaningful agency in international politics and neglect of African agency in IR scholarship, see Brown and Harman, 2013; Fisher, 2018; Tieku, 2013). This assumption seems to have influenced the burgeoning scholarship on the African Union (AU). The prevailing view is that the pan-African organisation is primarily an intergovernmental body (for claims that the AU is mainly an intergovernmental body, see Forbacha, 2020; Touray, 2017; Welz, 2020). It is widely seen by the public, discussed in popular media, and conceptualised by many experts as an intergovernmental body (Muchie et al., 2013; Olivier, 2015; Welz, 2020). As Olivier (2015: 214) put it, “the AU and its predecessor, the Organization of African Unity (OAU), have been classified as interstate as opposed to supranational by commentators.” Welz (2020: 161) takes this realist-inspired approach to the AU further by conceptualising African governments “as principals and the AU bureaucracy – the AU Commission in particular – as the agent.”

This widespread view that the AU and its bureaucracy are glorified servants of African governments is perhaps unsurprising given that the AU was negotiated, signed, and ratified by African governments. Its founding treaty called the Constitutive Act of the African Union (Constitutive Act) would not have come into existence if at least two-thirds of the fifty-four African governments and Western Sahara had not ratified and deposited it. Moreover, there are legal clauses in the Constitutive Act that appear to give AU member governments absolute powers in the management of the affairs of the union. For instance, the Constitutive Act empowers the Assembly of the AU, which is composed of African leaders, to make final decisions on all matters of the union, to hire, fire and supervise AU employees, and to establish new AU institutions (African Union, 2001).

This article, however, shows that the African Union Commission (AUC) often acts like a tail wagging a dog. Drawing insights from the literature on international public administration (IPA), IO studies, archival materials, quantitative survey of AUC staff, face-to-face interviews of African diplomats in Addis Ababa, Ethiopia, in 2019, virtual interviews of senior staff of AUC in 2020 and observation of the actual day-to-day activities of the AUC since its creation in 2001, the article demonstrates that the AUC exercises considerable agency, defined as the capacity to shape agendas and decisions in Africa and international affairs. Although the AUC has its own challenges,¹ it is often at the heart of agenda-setting, norm development, decision-making, rule creation, policy development, and it sometimes provides strategic leadership. It is therefore oversimplification of the complex relationship between the AUC and African governments, a distortion of social reality, and a projection of other's experiences on the AU to assume the pan-African bureaucracy is, or treat the pan-African bureaucracy as, a mere servant of African governments. The AU and its bureaucracy are neither glorified messengers and docile followers of orders of African governments nor are they empty vessels that timidly go where the wind of governments blows. This article shows six pathways that the AUC

uses to exercise agency and demonstrates how the pan-African bureaucracy expresses its international actorness.

The rest of the article is organised into four sections. The section following this introduction provides a succinct overview of the AUC. The next section then situates the argument within the broader IR scholarship by outlining six pathways that IR scholars have identified as avenues that actors use to exercise agency in global affairs. The third section then uses the six pathways to show how AUC's functions and its day-to-day activities enable the pan-African bureaucracy to exercise agency in Africa and international affairs. The concluding section reiterates the central argument and outlines implications of the argument.

Nature of the AUC

The AUC was established in 2001, and it became operational in 2002. The composition and competencies of the AUC are spelled out in the Statutes of the Commission of the African Union (henceforth Statutes).² It is composed of the Chairperson of the Commission of the African Union (COC), deputy chairperson (DCP), and eight commissioners (African Union, 2001: Article 2).³ The AUC is supported by approximately 1720 (May 2020 figure) international civil servants at the headquarters in Addis Ababa, Ethiopia, and at the representative missions around the world (African Union, 2019). The COC is elected by the Assembly together with the DCP, while commissioners are elected by the Executive Council and appointed by the Assembly.

The management set-up of the AUC has been described in the literature as a co-management IPA (Tieku, 2018). This is because unlike a single corporate IPA model such as the secretariat of the United Nations (UN) where most of the powers including the authority to direct, hire, fire, and discipline staff are invested in the Secretary General, the key AUC powers are spread around the AUC system. The COC acts as the AU's chief executive officer (CEO) and its accounting officer. The DCP, who cannot be fired by the COC, is responsible for the administration and finance of the AUC. This means in practice that the DCP controls both the purse of the AUC and the international civil servants who work in various units of the AUC. Commissioners, like the DCP, are accountable to but cannot be fired by the COC. Commissioners are responsible "for the implementation of all decisions, policies, and programmes in respect of the portfolio for which he/she has been elected" (African Union, 2002). In practice, each commissioner has a kingdom. In the past, commissioners who have strong personalities and capacities have often operated as if their departments are not under the offices of the COC and the DCP. Shrewd COCs and DCPs often learn quickly that they have little choice but to co-manage the AUC with commissioners.

Pathways Used by International Public Administrations to Exercise Agency in Global Affairs

This section outlines the pathways that IPAs such as the AUC use to exercise agency in the international system. These include but are not limited to the role of international bureaucracies in drafting IO treaties, developing strategic visions and plans for IOs,

developing IO regulations, implementing and monitoring IO regulations, helping IOs to make decisions, evaluating IO programmes, agenda-setting for IOs, and other functional activities that show international bureaucrats perform roles that go beyond functions of servants of intergovernmental bodies. First, most international bureaucracies get the opportunity to shape the drafting of international treaties that IOs create (Johnstone, 2012). The processes of making treaties significantly dilute the supervisory responsibility that intergovernmental bodies are supposed to exercise over international bureaucrats (Armstrong and Bulmer, 1998; Sandholtz and Sweet, 1998). Secretariat officials usually take advantage of the powers given to them to assist governments in negotiating agreements to offer zero draft or background studies that form the basis of intergovernmental negotiations. In many cases, they embed their own ideas in new agreements, and also draft and revise at least some aspects of new agreements. The degree of involvement and influence in negotiation processes depends on several factors, including the availability of technical capacity at IO secretariats, member states, issues involved, and the nature of the negotiations. While intergovernmental bodies retain the right to sign and ratify these agreements, some international bureaucrats adopt, make, and amend agreements without explicit approval and ratification by every member state of the organisation. The International Atomic Energy Agency (IAEA) and the International Monetary Fund (IMF) require a certain percentage of members to ratify new agreements before they take effect. The IAEA requires two-thirds of members' approval and/or ratification, meaning a third of members may not get the chance to exercise their supervisory responsibility.

Second, many international bureaucrats have powers to enforce regulations, promises, and treaties that intergovernmental bodies make. These enforcement powers usually include the right of IO secretariats to review the actions of intergovernmental agencies and public officials. The role given to international bureaucrats to ensure compliance with regulations, promises, and treaties is particularly powerful in IOs that have courts attached to them. Karen Alter (2012) estimated that no less than twenty IOs have formal courts that ensure that intergovernmental agencies comply with international rules, regulations, and promises. Many international bureaucrats use this power to drive states to implement changes (sometimes very costly ones) that they would not have made without pressure from IO secretariats.

Third, several international bureaucracies have the mandate to make recommendations to intergovernmental bodies (Hurd, 2011). Some IR scholars have a dismissive attitude towards recommendations, but that ignores the fact that many recommendations can have consequential political effects. The reputational cost to governments for ignoring recommendations made by senior international bureaucrats is often enormous. The reputational impact of the recommendations by the General Assembly on Apartheid played a central role in the eventual collapse of the racialised political system. Recommendations by international bureaucrats of major IOs are often used as tools by other actors such as non-governmental organisations (NGOs) in their campaigns. The campaign materials of many NGOs on the Israeli–Palestinian crisis are drawn from recommendations made by international bureaucrats. Often, recommendations by international bureaucrats serve as part of packaged information that NGOs use to pressure states

to adopt international instruments of great political consequence (Hurd, 2011: 120). Recommendations also have a powerful name and shame effect on intergovernmental actors. Many of these recommendations are based on commissioned studies in areas that intergovernmental bodies may have limited knowledge and expertise. Decisions of the UN Security Council are usually based on recommendations contained in reports submitted by the Secretary General (Butler, 2012). Most of these reports are written by leading experts in the field. As such, recommendations carry tremendous weight in the decision-making processes of actors in the international system. In other words, there is power embedded in recommendations that international bureaucrats can and do exploit to exercise agency in global affairs.

Fourth, many IO secretariats have powers to represent the collective will of the international community or their member states. These representational powers enable international bureaucrats to exercise tremendous influence way beyond those associated with obedient servants of governments (Karbo and Murithi, 2017). The representational activities have allowed international bureaucrats to sometimes recontract interests of states, manage, and even reconstruct state institutions. Zanotti (2011), for example, showed that the powers that UN bodies have to represent the international community in places such as East Timor allowed UN staff to influence the direction of the people of East Timor in ways that no single government, however powerful, can or will be able to do. Similarly, similar delegated powers enable UN staff to write constitutions of countries emerging from conflict in ways that fundamentally reconstruct and shape the politics, society, identity, and culture of these fragile states. Curtis's (2012) insightful collections demonstrated how the UN's work enabled international bureaucrats such as UN officials to reconstruct identities of people in countries that have gone through civil war. The deployment of the UN in countries such as Liberia and Sierra Leone gave UN officials and agencies the opportunity not only to shape the nature of governments and the public institutions that emerged, but also the very nature of the society that came out of the process. It is not a sheer coincidence that most postwar societies are liberal, market-oriented, and have similar public institutions. Finally, the presence of World Bank Group and the IMF in the Global South allow staff of these organisations to dictate economic policies of many countries (Easterly, 2013).

Fifth, many IR works have identified agenda-setting as an important instrument that international bureaucrats use to direct, influence, and shape thinking at the global level (Puchala, 1999; Sandholtz and Sweet, 1998). International bureaucrats increasingly set the agendas for other actors in the international system. The leadership of international bureaucrats has formal responsibilities to draw attention to matters of interest to global actors. Article 99 of the UN Charter gives the Secretary General the power to "bring to the attention of the Security Council any matter which may threaten the maintenance of international peace and security" (Luck, 2006). This broader agenda-setting mandate allows a creative Secretary General to take advantage of and to direct the Security Council. Some Secretary Generals have used these powers to commission studies that have looked at issues that even powerful states are unwilling or uncomfortable to discuss. Others have used this power to introduce a reform agenda into the UN system. The

former Secretary General Boutros Boutros-Ghali took advantage of these powers to put peacebuilding on the agenda of the Security Council. The agenda-setting powers make international bureaucrats gatekeepers on many issues.

Sixth, international bureaucrats have many strategic powers. These include the power to provide strategic leadership and acting as advisors to governments and intergovernmental agencies. Many international bureaucrats are often informal advisers to governments and intergovernmental bodies. Some of them even tell governments what they should or should not do. It is widely documented that IMF and World Bank staff often dictate microeconomic policies of a number of developing countries that have borrowed money from these two banks (Dreher, 2009; Dreher et al., 2015; Moore and Scaritt, 1990). Even those that were not given intrusive powers use savvy ways to influence governments to take a direction that they would not have done otherwise. For example, a number of UN staff working in various UN departments or agencies, including the UN Economic Commission for Africa (UNECA) and the United Nations Development Programme (UNDP) have used their advising capacity to sometimes shape economic thinking and policies of many African countries. Policies pursued by African countries are often dictated, encouraged, or supported by these international bureaucrats. Other international bureaucrats provide unsolicited but consequential information and advice to intergovernmental bodies.

How the AUC Exercises Agency in Africa and Beyond

Although the subtext of the introduction is that it is controversial, at least in realist dominated IR scholarship, to suggest that the AU is an independent actor that exercises enormous agency in international affairs, the section below applies the six theoretical insights of how international bureaucrats exercise agency to the AUC. The analysis shows that the AUC exercises agency on several issues that shape the African continent and beyond. Before delving into the empirical discussions, it is important to indicate the foundation of AUC's international actorness. The source of AUC agency comes from the relative independence that it enjoys, and the functional roles and activities that AUC staff and supporting casts such as consultants perform on a day-to-day basis. As international civil servants, AUC staff are not supposed to "seek or receive instructions from any government or from any other authority external to the Union" (African Union, 2002). In addition, AU bureaucrats are required to be responsible only to the commission, and AU members are mandated "to respect the exclusive character of the responsibilities of the Members of the Commission and the other staff and shall not influence or seek to influence them in the discharge of their responsibilities" (African Union, 2002).

While the above articles have not guaranteed a 100 per cent autonomy to the AUC, they have given AU staff the platform to do their work without major interferences from African public officials. Data from the first-ever survey of AUC staff demonstrate that there is little interference of the work of the AUC staff by African embassy officials (Tieku et al., forthcoming). Even though there are theoretical speculations and assumptions based on experiences of IOs in the Global North and anecdotal suggestions of the

occasional personal and backroom interventions by embassy officials, overall there is little concrete evidence to show that AU bureaucrats take instructions from the African missions or even donors who provide most of the programme budget. The discussions below, which provide empirical support for the six theoretical insights of how international bureaucrats exercise agency, demonstrate the international actorness of the AUC.

Rule-Drafting Powers

The AUC plays a central role in the drafting of AU treaties, declarations, decisions, and resolutions that affect both Africa and the broader international system. The first draft or zero draft of most AU legal instruments are usually crafted by the AUC legal team or consultants hired by the AUC. As Mando (2018) showed, the AUC and the Pan African Lawyers Union (PALU) wrote the first draft of the amendments that state representatives negotiated and adopted as the Protocol on the Statute of the African Court of Justice and Human Rights. The opportunity to provide zero draft or background study to new legal instruments gives AUC officials enormous gatekeeping powers. They can and often do use the opportunity to develop documents in ways that reflect their perspective, what they perceive as the views of key member states, and to delimit the kinds of issues and ideas that are put on the table for negotiation by state parties. In theory, member states are supposed to give the AUC comments on these drafts, but African governments have the habit of not sending comments or supervising the drafting of these documents in any meaningful manner (Interview with a member of the office of the AU legal counsel on 21 February 2018). For instance, only two African governments formally sent comments on the zero draft instrument, which eventually became the Protocol Relating to the Establishment of the Peace and Security Council of the AU (the PSC Protocol).⁴ The PSC Protocol created the AU Peace and Security Council, which has been very influential in the international peace and security landscape (Williams, 2009).

The dearth of technical capacity in the bureaucracies of African states is a major reason why African governments do not often provide substantive comments on draft documents. With the exception of a few states, African civil services do not attract the strongest human capacity within various African states (Mkandawire, 2017; Olowu, 1999; Schwarz and Abels, 2016). The pay system of the AUC, however, allows the AUC to attract considerably stronger candidates than most civil service in Africa.⁵ As Tieku et al.'s (forthcoming) data showed, the average AUC staff is middle-aged and holds at least a postgraduate degree. The survey data indicated that almost all the 1,720 AUC professional staff have at least a master's degree; many of them hold PhDs in their fields. And the majority of them have worked for many years, including holding senior public service positions, before joining the AUC. For instance, the current commissioners of the Department of Peace and Security (DPS) as well as the Department of Trade and Industry (DTI) were the Algerian and Zambian Ambassadors, respectively, to the AU prior to joining the AUC.

In contrast, the majority of staff at African missions in Addis Ababa are generalist, and most of the African embassies are too small to handle all the AU issues competently. As the High-Level Panel of the Audit of the AU noted, "the relatively small size of most

missions and their limited expertise to handle the broad range of technical issues addressed by the AU” meant that the Permanent Representative Council (PRC: that is, government representatives to the AU) “largely focused on Organisational oversight matters, as opposed to the substance of the agenda of the Union”(African Union, 2007: 37). It is not uncommon to find first degree holders in charge of senior portfolios, including ambassadorial positions in African embassies in Addis Ababa. Senior staff of the AUC often complain that the lack of experts and interlocutors at African missions makes their work “doubly” difficult as they often “spend too much time briefing and explaining things to PRC members” (Interview with a member of senior management of the AUC, 18 October 2020). The low level of technical skills at the PRC level is often told in terms of the famous professor–students approach that the first chairperson of the AUC Alpha Oumar Konaré took in his interactions with PRC members. Konaré is widely known to have treated PRC members like first-degree students and would often go to PRC meetings to lecture rather than brief them (Interview with a member of AU staff association, 18 June 2019). Even though African politics sometimes defies logic and basic principles of political life, experiences show that people find it difficult to give orders to those who are technically superior to them.

Besides the institutional weaknesses of African missions in Addis Ababa and public services at home, draft legal texts sent by the AUC do not often receive enough attention in part because senior officials at the ministries often think their experts will get the chance to look at them carefully during intergovernmental expert meetings, which the AUC often convenes over many of these documents. But these experts’ meetings are too large, driven by bureaucratic imperatives, and too complex for any meaningful redrafting of these instruments (Interview with an African Ambassador, 20 June 2019). There is also the issue of per diem and travel allowance, which are paid in the sought-after US dollars, that the cash-strapped government experts have become very dependent upon.⁶ For fear of being dropped from the invitation list, many of these experts “behave properly” (Interview with AU protocol officer, 18 June 2019).⁷ In any case, AUC officials provide secretarial duties at these meetings and often have the power to interpret and summarise discussions at these meetings in ways that reflect their cognitive orientations more than anything else.

Though some AU bureaucrats engage in self-censorship, there is ample evidence to show that AUC officials have used these powers to put progressive ideas on Africa’s agenda (Matlosa, 2008). A classic example is the African Charter on Democracy, Elections, and Governance (African Governance Charter). Many of the AU policy and legal instruments, including the post-conflict reconstruction policy, read like literature reviews of best practices in part because they were written by AUC bureaucrats usually in collaboration with consultants (Tieku, 2018; Touray, 2017). Government officials often provide little substantive input in the development of these instruments (Tieku, 2019b).⁸ For instance, the creation of the AU transitional justice instrument was driven largely by the AUC with consultancy services provided by think tanks such as the Centre for the Study of Violence and Reconciliation (CSVR) (CSVR, 2013; Murithi, 2018).

Rule-Enforcement Powers

The AUC has at least three enforcement powers, namely the power to “implement decisions taken by other organs of the AU,” the mandate to “coordinate and monitor the implementation of the decisions of other organs of the AU,” and the power to “assist member states in implementing AU programmes and policies” (African Union, 2002). Attached to these powers is a mandate to review and report regularly and publicly about the behaviour of African governments. Some AUC officials have taken advantage of this power to name and shame governments that have not implemented policies and decisions of the AU. For instance, as part of its mandate to “ensure the mainstreaming of gender in all programmes and activities of the Union,” the COC often uses its annual reports to highlight publicly the regulatory and institutional mechanisms developed by AU member states to promote gender equity (African Union, 2003). These annual reports carry significant naming and shaming impacts. Though correlation is not causation, it is not just a sheer coincidence that there has been progressive development of institutional mechanisms in African governmental machinery, including the presidency, to promote gender issues since the AU emerged on the political scene in 2001.⁹

Some AUC staff used these enforcement powers to impose AU’s code of conduct and rules of engagement on African security personnel on AU peace support operations (African Union, 2015). For instance, the AUC pushed troop-contributing countries (TCCs) to its peace missions to enforce the AU’s zero-tolerance on sexual abuse. Unlike in the past where IOs basically ignored accusations of sexual assaults by their peacekeepers, the AU appointed an independent team of investigators to examine Human Rights Watch’s allegations of twenty-one cases of sexual exploitation and abuse by the Ugandan and Burundian Contingents as well as some civilian personnel to the AU Mission to Somalia (AMISOM) (Human Rights Watch, 2014). Though the report was inconclusive in large part because the leadership of the military in the affected countries did not fully co-operate, it was interesting that those who were accused of sexual misconduct were quietly withdrawn from the mission and/or banned from participating in future missions, and in at least one case the accused person is generally considered to have been jailed (African Union, 2015). The allegations would have been an additional footnote to the massive literature that exists on the culture of impunity that peacekeepers, especially those on UN missions, accused of sexual exploitation have enjoyed over the years had it not been the AUC’s power to enforce rules on peace support missions. That said, the AUC should and could do more to fight the culture of sexual exploitation in peace missions in Africa.

Recommendation Powers

The AUC has powers to make recommendations to African governments. The AUC has used this power quite effectively to the extent that many governments and agencies in Africa find it difficult to ignore AU’s recommendations. The AUC cleverly brings together not only leading experts in the field it intends to make recommendations but also the politically connected people in the area to put together most of its reports and

recommendations.¹⁰ In many instances, the AUC cedes the presentation and entrepreneurial work of the recommendations to the chair of the committee or commission, who is often politically connected. As a result, AUC recommendations have become heavyweights in the decision-making of the African political class. Because many governments and intergovernmental bodies in Africa are clearly aware of the impact of AUC recommendations, the African political class sometimes expends considerable energy discouraging AUC from setting up commissions and committees about their countries or tries to quash the publication of reports that contain costly recommendations. For instance, the government of South Sudan and the Sudan Liberation Movement in opposition spent considerable political and diplomatic capital in 2015 to quash the release of the final report of the AUC of Inquiry on South Sudan (AUCISS) (African Union, 2015).¹¹ They moved to delay the release of the report in large part because of its recommendations (Deng, 2015; Tribune, 2015). The leaders would not have worked that hard to kill the report if they had thought that its recommendations were mere cheap talk. The AUC bureaucrats have, at times, used recommendations of this nature to advance their interests, shape the direction of African politics, and to exercise subtle power over the African political class.

Representational Duties

The AUC exercises several representational powers. It plays an ad hoc representational role in the form of speaking and attending public gatherings on behalf of AU member states. In this role, the AUC is required to articulate views and to behave in ways that reflect the collective preferences of African states. Demands for AUC's representations are so high that the leadership of the AUC spends most of their time travelling and attending meetings. The high rate of travelling, in particular, has generated enormous debate within the Commission, as it impacts negatively on the productivity of the AUC. The other representational function the AUC exercises include the creation of permanent missions in important capitals around the world. These missions are tasked with the responsibility to promote the interests and values of the African continent, articulate collective views of African states, and act as a delegate of the African society of states outside of the African continent. As of October 2020, the AU had established permanent representational offices to the UN in New York, IOs in Brussels, the League of Arab States in Cairo, and the UN in Washington, DC. There is evidence that some of them actually help African states construct their interests in international negotiations. For instance, the intellectual and political leadership for the Common African Position on the 2020 Review of the UN Peacebuilding Architecture was provided by the AU office in New York (African Union, 2020; Interview with peacebuilding expert on 17 October 2020). On trade negotiations, the AUC office in Geneva brings together African embassy officials in Geneva to construct their interests, agree on common positions, and share negotiation tactics on major global trade issues (Ostry and Tieku, 2007).

In addition, the representational offices provide a flexible institutional forum for African states to develop strategies for the implementation of international rules and

decisions. The AU representation offices in New York and Geneva removed many challenges as well as shortened the process for African candidates vying for positions in IOs. As the Ugandan ambassador to the UN pointed out, due in part to the work of the AUC, the African continent usually presents a single candidate for elected position in IOs (Ayebare, 2018). This has been instrumental in the relative successes of African candidates contesting IO elections. It played a key role in the elections of Ethiopia's Tedros Adhanom Ghebreyesus as the director general of the World Health Organisation on 23 May 2017, and of Rwanda's Louise Mushikiwabo as the secretary general of the International Organisation of the Francophonie (OIF) on 12 October 2018.

Agenda-Setting and Proposal Initiation

The AUC has the power to "initiate" proposals for consideration by other organs of the AU. This power effectively grants the AUC the opportunity to set the agenda, to propose new ideas, and to provide direction for the union. The AUC took advantage of this power to invent the "sectoral expert meetings," where most of the agenda items for AU summits are generated (Interview with a member of senior management of the AUC, 18 October 2020).¹² Many of the agenda items for summits are developed at sectoral meetings even though the AU rules provided that agenda items for summit must be provided by the Assembly of the Union, the Executive Council, the PRC, the AU Commission, any other organs of the Union, and any other item formally proposed by member states and regional economic communities. The agenda-setting powers of the AUC together with the power to do research have placed the AUC in a position to shape the pace and direction of continental African politics.

The agenda-setting and the convening powers have placed the AU in a position where it arranges and manages many of the meetings of the AU. The AUC uses these two powers to bring together some of the experts on an issue-area to think about and develop solutions for, and policies on, the issue. If exercised to their fullest, the agenda-setting and the convening powers hold enormous supranational promise, especially given that the AUC is dealing with countries that have limited institutional, technical, and bureaucratic capabilities.

Some of the departments of AUC have taken advantage of this power to develop several policy instruments, norms, and binding rules. The DPS took the lead in helping the AU develop extensive regulations on unconstitutional changes of government in Africa (Souaré, 2014). The regulations adopted first as Declarations in Harare in 1998 have been used to suspend from the AU states such as Guinea-Bissau and Sao Tome and Principe in 2003, Togo in 2005, Mauritania in 2005 and 2007, and Guinea in 2008 after military takeovers (Legler and Tieku, 2010). The success of the anti-coup regulation encouraged AUC staff in the DPS to hire a consultant to draft a broader governance charter for the African continent. The African Governance Charter, among other things, made elections the only legitimate means of acquiring state power in Africa.¹³ Keen observers of African politics credit these regulations for the reduction of the number of military coups in Africa since the AU emerged on the scene (Souaré, 2014; Makinda et al., 2015).

Strategic Powers

The AUC has the power to provide strategic leadership to both the AU and African governments. This strategic leadership mandate is reflected in the Statutes of the AU in multiple ways. Some of the strategic powers are explicit in nature, while others are implied in the AUC Statutes. Article 2(m) of the Statutes empowers the AUC to prepare strategic plans and studies for the consideration of the Council. The AUC has used these powers over the last decade to develop three strategic plans. The first was put in place by the Konare regime from 2004 to 2008. The major thrust of this strategic plan was to shift the AU from a general-purpose organisation to focus more directly on political integration. The second strategic plan was introduced by Jean Ping from 2009 to 2011. The broader goal of the plan was to develop a common value system for the African continent. The final plan was introduced by the Zuma administration for the period of 2012 to 2016. The Zuma plan aimed at positioning the AUC in a way that it would be able to drive the Agenda 2063, which is an ambitious long-term plan designed to create conflict-free and prosperous Africa by 2063. The Agenda 2063 is now the main strategic document guiding the work of the AU. It is the reference document for even the Assembly of the AU.

The other delegated function that enhances AUC's strategic powers is the mandate to "build capacity for scientific research and development" of member states (African Union, 2002: 4: Article 2). This power has put the AUC in a position to commission studies that socialise states and other actors in the international system to pursue goals that they would not otherwise pursue. For instance, in July 2019, the AUC and the Small Arms Survey released the first-ever continental-wide study mapping illicit arms flows in Africa (The African Union Commission and the Small Arms Survey, 2019). Among other things, the report is meant to put pressure on AU members and other actors in the international system to tackle the small arms problem on the African continent. The research powers also put the AUC in a position to build strong relationships with research institutions and knowledge centres around the world that have enhanced the agency of the AUC. Although the AUC leadership has yet to take full advantage of the delegated intellectual power, especially given the dearth of intellectual capacity within governments and bureaucracies in Africa, there is enough evidence to show that the AUC is using it to shape long-term strategic thinking on the continent. For instance, the AUC provided the intellectual support and co-ordination for the AU, African Development Bank (ADB), and the UNECA to shape economic thinking on the African continent. Their collaborative research and reports have largely driven the discourse and the socialisation of African leaders on the continental African free trade area (Amila, 2019; Luke and MacLeod, 2019).

An equally important mandate that has enhanced the intellectual capacity of the AUC is the mandate given to the AUC to collect and disseminate information and maintain a reliable database on the AU and regional integration in general (African Union, 2002). This mandate has been used by some of the shrewd AUC staff to not only create a knowledge production unit in the AUC, but it can also be used to position the AUC as a strategic thinking institution for the African continent. Some departments have taken advantage of this by building partnerships with carefully selected individuals and think tanks in ways that enable them to exercise intellectual power over the African political class and other actors around

the globe. For instance, the AU Leadership Academy (AULA) has developed strategic partnership and joint studies with research organisations and universities across the globe. In 2018, the AULA, in partnership with Western University in Canada, the University of Agder in Norway, and the University of Oslo/ARENA in Norway, conducted a large-N study aimed at soliciting the views of international bureaucrats on pertinent global issues. Other AUC staff have used the knowledge management and dissemination powers to develop institutional mechanisms that has put the AUC at the forefront of thinking on African issues. For instance, the AUC created the Pan African University with five campuses spread across the continent in 2011. The focus of the University on graduate programming and research has enhanced the AUC's knowledge-building capacity. The AU also established the African Centre for the Study and Research on Terrorism (ACSRT) in Algeria in 2004 to do research and produce fresh ideas on ways to deal with terrorism issues.

In addition, the AUC has powers to provide intellectual leadership when it comes to the development of common African positions on major global issues (Zondi, 2013). This is a major strategic mandate as it puts the AUC in a position to basically dictate Africa's position on international subjects (Ayebare, 2018). The AUC has used this power to develop a common African position on subjects ranging from UN reforms, African representation in IOs, and international trade. In some instances, the relevant AUC unit basically wrote the common African position and presented it to the relevant AU organ for adoption. For instance, the most recent Common African Position on UN Review of Peace Operations (the Peace Operation Policy), which was submitted to the UN in April 2015, was written almost exclusively by a handful of technically gifted individuals in the DPS (Interview with senior AUC staff, 18 June 2019). Many members of AU did not actually read it, and those who did read it were able to do so during the 25th AU summit held in June 2015 when the Assembly adopted document (Interview with senior staff, 17 October 2020). In other words, they read it at least two months after it was sent to the UN.

The final strategic power the AUC has is a mandate to "mobilise resources and devise appropriate strategies for self-financing income-generating activities and investment for the union" (African Union, 2002). The AUC used this power to nudge African governments to adopt a series of self-financing measures, including the imposition of a levy of 0.2 per cent on eligible imports on AU members (Sungu, 2015). It is projected that the levy will generate approximately US\$1.2 billion annually (Mugabe, 2019). This will enable the AU to fund 100 per cent of its operational budget, 75 per cent of the programme budget, and 25 per cent of the peacekeeping budget. As of the time of writing, over 22 African countries were estimated to be implementing the levy (Dogbevi, 2017; Yankey, 2018).¹⁴

Conclusion

The article drew insights from IR scholarship to show that the AUC exercises considerable agency in African and international affairs. The AUC staff working in tandem with non-state actors (consultants) shape AU actions, African politics, and international affairs in many ways. The AUC relationship with African governments is complex. It is far from a classic agent–principal relationship. Yet, the AUC is treated in some quarters as a mere

secretariat of African governments. Several factors account for the misperception and misrepresentation of the AUC. Among them is the simple fact that some people approach the AUC with templates from elsewhere in the world. In the name of theoretical rigour, they often impose these templates on the African reality thereby minimising or ignoring experiences that do not cohere with these preconceived ideas. Many of these templates are either borrowed from American politics and/or European Union (EU) studies. Indeed, the EU seems to have set the imaginative ceiling for the study of international bureaucracy.

Moreover, because the AUC does not have EU structures or competencies, it is tempting to use the EU template to dismiss AUC as a mere paper pusher. Such an argument is however not only grounded on flawed assumptions; it presupposes that international actorness should be or is the same everywhere and/or that international actors play a monolithic role in the international system and/or that supranationalism can be legitimately exercised only with European ascent. It should, however, not be forgotten that the EU and its institutions are products of a particular historical development, and the AUC is an artefact of another social processes. It is a stretch to expect different historical processes to produce the same outcomes.

The AUC exercises enormous agency but the channels it uses to exert influence are slightly different from that of the EU and American politics. The AUC channels should be explored and theorised in their own right and not through the lenses of American and/or European politics. The excessive projection on the AUC and African politics has also led to exaggeration and romanisation of the capacity of governments and their public services. This article indicated that the weak capacity of African governments and their public services compared to the relatively better expertise at the disposal of the AUC enabled the pan-African bureaucracy to influence the African political class and to exercise agency through six pathways.

Besides showing that the AUC exercises enormous agency and should be added to the study of key international actors, the article encourages researchers to rethink the way they approach African politics. It will certainly be helpful not to project experiences elsewhere in the world on African politics and to go beyond African political leaders and governments in an attempt to uncover drivers of African politics. The article implies that the role of political leaders and African states is overstated while that of transnational actors such as Africa's international bureaucrats are understated, understudied, and poorly understood. A little balance in our approach to the study of African international life and indeed, people in the Global South will enhance the quest for accurate knowledge.

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Notes

1. See Tieku (2019a) for documentations of some of the challenges.
2. African Union, 2002.
3. The number of departments and commissioners will change from eight to six in 2021 when the new AUC departmental structure comes into force. For details, see African Union (2019).
4. Only Kenya and South Africa sent comments. But as pointed out repeated during interactions with officials at both the AUC and African missions in Ethiopia, the comments came after many informal promptings from AUC officials. Ben Kioko, the former AU Legal Counsellor and a citizen of Kenya, in his usual diplomatic way admitted that he had to force the comments out of the Kenyan government.
5. The number of times African embassy officials, including Ambassadors, try to transition into the AUC have become legendary stories in the AU system.
6. This point came up repeatedly during interviews but a senior diplomat who has organised many of these expert meetings put it best when he said "this per diem thing is a big problem. It encourages too much self censorship. Many government experts who come to our meetings worry about future invitations. They often don't say what they are thinking. You only get their candid views in private and after assuring them that what they say will not impact on future invitations." Interview with senior AUC staff, 20 June 2019. The Center for the Study of Violence and Reconciliation (CSV) (2013) Also, see Samb et al. (2020) for the problem of per diem in development.
7. To behave properly in AU circles is to follow the line of the discourse at meetings. The expectation is that the experts are there to bless these documents.
8. The circumscribed involvement of government experts in the drafting of AU rules partly explains the implementation gap.
9. A number of African states including Ghana and Liberia established their ministries/departments with a focus on gender immediately following the creation of the AU.
10. For instance, when the AUC chairperson wanted to investigate the human rights violations during the armed conflict in South Sudan and make recommendations on the best way and means to ensure accountability, she appointed the politically connected and powerful former Nigerian President Olusegun Obasanjo to chair the team of independent experts. For details, see Human Rights Watch (2015).
11. The report was eventually released a year later.

12. An informal institutional mechanism with no formal basis in the AU legal framework.
13. Besides elections, the common means of acquiring power in Africa has been military coups, armed rebellions, and popular protests.
14. Ghana, Kenya, and Rwanda took the lead in implementing the levy. For details, see Dogbevi (2017).

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In der falschen Liga: wie die Kommission der Afrikanischen Union in der Politik agiert

Zusammenfassung

Die gängige Meinung ist, dass die Kommission der Afrikanischen Union (AUC), wie die meisten internationalen öffentlichen Verwaltungen und internationalen Organisationen (IO), die in ärmeren Regionen der Welt beheimatet sind, keine bedeutende Handlungsfähigkeit in internationalen Fragen besitzt. Dieser Artikel versucht zu zeigen, dass die AUC weder ein Bote und fügsamer Erfüllungsgehilfe von Regierungsbefehlen ist noch ein williges Fähnchen im Wind der Regierungen. Vielmehr übt die AUC einen bedeutenden Einfluss auf Themen aus, die nicht nur den afrikanischen Kontinent, sondern auch das internationale System betreffen. Die AUC steht oft im Mittelpunkt von internationalem Agenda-Setting, der Entwicklung von Normen, Entscheidungsfindungen, der Schaffung von Regeln, der Politikentwicklung, und bietet ab und zu sogar strategische

Führung. Dieser Artikel zeigt sechs Wege auf, wie es der AUC gelingt, als Underdog Führung zu übernehmen.

Schlagwörter

Afrika, Afrikanische Union, afrikanische Agency, internationale Organisation, internationale Bürokratie, Theorien der Internationalen Beziehungen, Kommission der Afrikanischen Union