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Implementing Accountability and Transparency in Supranational Organisations: A Comparison of the European Union and the African Union, 2001-2020

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Abstract

Despite discernible efforts by African political leaders to serve their people since the demise of colonialism and apartheid, African institutions are generally claimed to be ineffective. This indictment is partly due to their reliance on foreign donors and multilateral institutions for their financial survival. Another reason is failure by African leaders to implement their cogently thought through policy decisions as well as lack of unity which comes from the colonial legacy. The aim of this paper is to interrogate these perceptions using the African Union (AU) as a case study. To achieve this goal, the paper traces the history of the AU and juxtaposes it with the European Union (EU) to establish points of divergence. The paper uses institutionalism as its grounding theory. There is a general tendency in the scholarship to summarily dismiss African institutions without providing a closer analysis of what is at play. This paper aims to fill this lacuna by enumerating factors that weaken the AU as an institution. The key argument is that the lack of transparency and accountability in the AU cannot be understood in a vacuum. Thus, context is deemed critical in the analysis. The paper then proffers ideas on the way forward.

Keywords: *African Union, Institutions, Good Governance, Transparency and Accountability.*

Introduction

For decades, African nationalist leaders had been agitating for African liberation from the colonial yoke. Their participation in the Second World War gave their call new impetus. They had seen that their colonisers were not invincible since there had been casualties both on the side of Germany and that of the allies. From the mid-1950s, the liberation of African countries began. In preparation for the future of the African continent that would be devoid of colonial domination, African leaders conceptualised the Organisation of African Unity (OAU). On 25 May 1963, thirty-one Heads of States and Governments signed the OAU Charter in Addis Ababa, Ethiopia. These African leaders strongly believed that it “is the inalienable right of all people to control their own destiny” (OAU Charter, 1963). The five purposes of the OAU were:

- (a) To promote the unity and solidarity of the African States;
- (b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
- (c) To defend their sovereignty, their territorial integrity and independence;
- (d) To eradicate all forms of colonialism from Africa; and
- (e) To promote international cooperation (OAU Charter, Article II, 1963).

The first four of the seven principles of the OAU contained in Article III were the following:

1. The sovereign equality of all Member States.
2. Non-interference in the internal affairs of States.
3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence, and
4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration (OAU Charter, 1963).

As can be gleaned from the purposes and principles of the OAU, African leaders had a clear vision of what they wanted to achieve. In the main, they tried their level best to achieve these goals. Individual countries enjoyed political sovereignty. Those countries that had obtained political independence supported those that were still languishing under colonial and apartheid rule. As the liberation movements intensified their struggle for freedom, countries like Angola, Zambia, Zimbabwe, and others

provided sanctuary to the liberation fighters from the oppressed African countries. Eventually, all African countries obtained their freedom.

The transition from the OAU to the current African Union (AU) was not an event but a long process. As the liberated African continent reflected on the work of the OAU, critical questions were asked. Among them was whether the OAU was able to take the continent forward. This and other questions troubled the African political leadership. Many proposals were considered -including the idea of forming the United States of Africa, a view expressed by President Idi Amin of Uganda and later by Col. Muammar Gaddafi of Libya. On 9 September 1999, during the Fourth Extra-Ordinary Summit of the OAU held in Sirte, Libya, African leaders considered various ways and means of strengthening their organisation. They wanted it to be more effective and to be on par with other similar organisations elsewhere in the world. It was at this Summit that African leaders took a decision to establish the AU (Yaqub, 2006; Akinterinwa, 2005). The idea was fine-tuned by the Council of Ministers and was subsequently adopted at the Extra-ordinary Summit in 2001 in Sirte, Libya. Other processes were to follow until the OAU was officially replaced by the AU in Durban, South Africa, in 2002.

But, “no institution is without its challenges” (Esidene & Onyebuchi, 2012:16). Therefore, while the decision to replace the OAU with the AU was a noble one, this did not mean that the new organisation would be without any challenges. The very fact that the AU was going to operate within a changed political context meant that new challenges would arise. Secondly, as the continent struggled with economic and other challenges, the AU was bound to encounter certain obstacles and hardships. Judged against other global organisations similar to it, the AU was going to be assessed differently from the OAU. So, transparency and accountability were going to be assessed within these new contexts. Against this backdrop, when the AU is juxtaposed with the EU, the aim is to see how this African organisation compares with sister organisations elsewhere. This should not come as a surprise given that African leaders also wanted their new organisation to be judged in this way, as mentioned above.

Before unpacking the concepts “transparency” and “accountability”, it is important to briefly reflect on some of the regional bodies which served as the precursors to the AU. Among them is the East African Community (EAC), Southern African Development Community (SADC), Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS), to name just a few. These institutions were independent. Their operations

transcended national geographical boundaries. Some were accused of misusing their powers to advance self-interests. Accusations of lack of accountability and transparency by some institutions when demanded to account by civil society and other watchdog entities became common. This trend has continued to-date. This paper uses the AU to expound this argument. It is guided by institutionalism as a theory.

Like any continental or international institution, the AU is an independent organization. But, the AU does not have powers to forcefully intervene on any member state. This is because individual states enjoy political sovereignty (Kioko, 2003). The objectives of the AU include but are not limited to: achieving greater unity and solidarity between the African states and the peoples of Africa, promoting and defending African common positions on issues of interest to the continent and its peoples, promoting democratic principles and institutions, and ensuring popular participation and good governance and promoting co-operation in all fields of human activity to raise the living standards of African peoples (Esidene & Onyebuchi, 2012).

Without being Afro-pessimists, we should briskly state that there is something worth a mention. The AU is often regarded as an ineffective body. This indictment is triggered by its inability to address some of the challenges that it was established to overcome. The organization has been labelled as being toothless (Ibrahim, 2016). While these claims have credence, it is equally true that the AU has recorded some achievements since its establishment in 2002 to-date. Among the inhibiting factors are: the colonial legacy, imperialism and bad leadership (Ibrahim, 2016). This paper looks at how lack of transparency and accountability within the AU's operations hinder this institution's development.

Unpacking Transparency and Accountability

Transparency and Accountability are both key contributors to good governance. Diamond and Morlino (2004) perceive transparency and accountability as two key pillars of democratic practice. The paper does not undermine the value of other pillars or dimensions of democracy. These two pillars are selected because they are alleged to be the core of the problem within African institutions (Callamard, 2010). Secondly, they are selected because of their significance and the impact they would make in bringing about change within institutions if observed properly.

Transparency

This concept is used in different sub-fields of social sciences. In politics, it has one meaning but narration may vary based on the point being made at any given time. Den Boer defines transparency as “the ability to look clearly through the windows of an institution” (den Boer, 1998: 105). According to USAID (2013), transparency refers to the substantive and administrative procedures through which institutions perform their functions.

There are various ways of implementing and enforcing transparency. In governance structures this is mostly done through laws and policies. According to Berliner (2014) one of the most prominent policies aimed at increasing transparency are Freedom of Information (FOI) or Right to Information (RTI) laws, which have been passed by over 80 countries around the world. FOI/RTI laws institutionalize transparency by creating legal guarantees of the right to request government information. They have been praised for increasing transparency, accountability and trust (Banisar, 2006; Birkinshaw, 2006; Florini, 2007). Kosack & Fung (2014) assert that The United States of America was an early adopter of FOI laws. Congress passed the US Freedom of Information Act in 1966. In the ensuing decades, FOI provisions spread slowly across the globe. According to these authors, only 14 countries had adopted national FOI/RTI laws by 1990. In the past two decades, however, such legislation spread rapidly. By March 2013, 94 countries had FOI/RTI laws in force (Open Society Foundations, 2012). What we can glean from this synopsis is that transparency is not an easy phenomenon to abide by.

Accountability

Accountability is a vital tool for democracy and fair governance. It allows the public to participate in decision making processes. In a nutshell, accountability can be understood when A is accountable to B, when A is obliged to inform B about A’s actions and decisions (Schedler, 1999: 17). Similarly, Khotami (2017) defines accountability as the ability to provide answers to higher authorities over the actions of a person/group of people to the wider community within an organization. In good governance, accountability includes the existence of mechanisms where there is certainty that public officials and political leaders are responsible for their actions (Khotami, 2017: 31).

Accountability comes in two forms: vertical and horizontal accountability. Vertical accountability runs “upward” from citizens to leaders, while horizontal accountability allows for accountability within the whole governing system (Diamond and Morlino, 2004: 25). Kyriacou (2008: 1) asserts that this form of accountability covers the range of public entities created by the state to check its own abuses and inefficiencies. Like the earlier concept, accountability is contingent upon the trustworthiness of the leadership. A leader who is not transparent is likely not to be accountable too.

Can Regional Institutions be Completely Transparent and Accountable?

The generally expected norm at the global level is that institutions should be transparent and accountable. But it remains debatable whether regional institutions do consider transparency and accountability. In Putzel’s view, the problem of accountability in multilateral organisations is a complex one, since those who furnish the money are not directly those who receive the service and those who provide the service are not responsible to any single government (Putzel, 1998: 72). Therefore, maintaining transparency and accountability within institutions remains a challenge. Regional institutions such as the Union of South American Nations (USAN), Association of Southeast Asian Nations (ASEAN), etc. are established in regions that share common historical event, colonialism. Ex-colonial regional institutions like the AU are either directly or indirectly impacted by imperialism and colonialism (Bates, et al, 2006). The European Union is exceptional since its member states were not brought together by their colonial experience.

The European Union: A Role Model?

Different views are held about the EU. Gómez-Díaz (2009) describes the EU as an international organization comprised of independent nations that share their sovereignty to be stronger and have a greater global influence. Egenhofer (2009) perceives it as one of the world’s economic superpowers. Yet, the EU is not a state with an army and a police force employed to protect its people and property. Historically, the EU was created by the Maastricht Treaty (1992), and put into operation by 12 countries on 1 November 1993. Its purpose was to establish a greater

common market and gradually coordinate social policy (Gómez-Díaz, 2009: 623).

The European community is made up of different institutions and bodies. These include the European Parliament, the European Council, Council of the European Union, European Commission, Court of justice of the European Union, European court of auditors, European Anti-fraud office, law enforcement agencies (Europol & Eurojust) and lastly the European ombudsman. The EU's constitutional framework provides for independent and accountable institutions. The European Parliament is the only EU institution to be directly elected by European citizens, and is therefore accountable to citizens via direct elections (European Parliament, 2019). Members of Parliament (MPs) are answerable to national laws (European Parliament, 2019). The EU's constitutional framework is designed to promote transparency and democracy.

But the institution is not a saint in terms of transparency and accountability. A 2013 study on identifying and reducing corruption in public procurement in the EU identified four main types irregular practices concerning 96. These included: (1) bid rigging; (2) kickbacks; (3) conflict of interest; (4) other irregularities - including deliberate mismanagement/ignorance when public officials do not carry out proper checks or follow the required procedures and/or tolerate or ignore overt deliberate mismanagement by contractors (European Commission, 2014: 27).

In his study that focused on the European Commission's aid programme to Asian and Latin America, Putzel (1998) found that transparency and accountability mechanisms were abandoned. In the Philippines, the resident delegation of the European Commission relied primarily on consultations with the government to work out its indicative programme. While the general thrust of the EU's aid programme has been outlined in regular publications from the Commission Delegation (1990, 1994), the indicative programmes which include the criteria for project selection have never been made public (Santos, 1994: 5-6). This raises questions about transparency in this institution.

The Case of the African Union

As mentioned earlier, the OAU was established in Addis Ababa, Ethiopia, on May 25, 1963. Identity issues and interests, namely liberation and integration, drove the organization's primary goals. Its main interest was the liberation of white-ruled Africa, especially Southern

Africa (Makinda & Okumu, 2007: 11). After the emergence of globalization and democracy, the OAU also became more ambitious to tackle and accommodate such concepts with the view to keep up with the world order, hence the replacement of the OAU by the AU. The latter was established on 8 July 2001 with the vision of an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena (Handbook, 2014: 13).

The AU is made up of eight organs that work independently with different responsibilities but with a common goal of delivering the mandate of the organization. These include the Assembly as the supreme organ. Secondly, there is the Executive Council. This comprises the Foreign Ministers or any other minister designated by the member states. Thirdly is the Pan African Parliament whose objective is to serve as a deliberative continental body, acting as a common platform for all the peoples of Africa and their grassroots organizations to get more involved in discussions and decision-making on the problems and challenges besetting Africa. Fourthly, there is the African Human Rights Court. Its judges serve for periods of six years, renewable once. Fifthly, is The Peace and Security Council. This is the main AU body charged with the responsibility of promoting peace, security, and stability. Sixthly, is the Commission which is the secretariat of the Union and its executive organ. Seventhly, there is The Permanent Representatives Committee (PRC), which conducts the day-to-day business of the AU on behalf of the Assembly and the Executive Council. Lastly, there are Specialised Technical Committees (STCs) with specified mandates.

The AU endorses good governance through transparency and accountability. The Pan African Parliament (PAP) is responsible for promoting popular participation and representation of African peoples in decision-making, good governance, oversight, accountability and transparency. Organs and bodies such as the African Peer Review Mechanism (APRM), Convention on Preventing and Combatting Corruption (CPC), Economic Social and Cultural Council (ECOSOCC), and the Court of Justice are all designed to promote good governance from member states. However, it is unclear as to how these structures maintain transparency and accountability.

The absence of structures to enforce what Diamond and Morlino (2004) termed horizontal accountability across the AU structures has critical and deadly consequences for the operation of the organization. Lack of transparency and horizontal accountability within a governing structure result to less or no cooperation at all. Consequently, there are

internal conflicts within the organization. The African Union (201: 19) asserts that The Adedeji Report found that AUC Commissioners have low regard for the AUC Chairperson's authority and that this reduces his/her level of accountability. It also found that Directors are often dismissive towards Commissioners as the former typically have longer tenure and experience within their respective AUC departments than their Commissioner superiors. Thus, the Directors often bypass the Commissioners and report directly to the AUC Chairperson. Secondly, The Me'kelle Report highlighted that the current AUC structure is characterised by conflict and unhealthy working relationships, largely due to poor top leadership accountability. Unlike its peers' systems, the AU's appointment system does not reinforce accountability to the AUC Chairperson (African Union, 2017: 19).

Transparency is a crucial mechanism in the fight against corruption because it allows countries to identify these crimes and their perpetrators. Accountability then provides the institutions and procedures by which perpetrators can be appropriately punished. According to the Africa Report (2020), a special investigation was established in 2020 on APRM resource mismanagement related allegations by high position officials. It detailed allegations of "bad governance, corruption, nepotism, favouritism, threats, blackmail, intimidation and arbitrary dismissals" within the organisation based in Johannesburg, South Africa. The document also detailed financial mismanagement within the APRM. If transparency and accountability are lacking from senior office bearers of an institution, it will automatically go down to junior officials and down to those who are being governed, the African citizens in this case. Therefore, as the EU struggles to maintain transparency and accountability, the AU too has challenges of its own.

The Impacts of these Challenges on National Governmental Structures and the General Citizens

Transparency and Accountability create opportunities for citizens and states to interact constructively. This produces five outcomes: better budget utilisation; improved service delivery; greater state/institution responsiveness to citizens' needs; the creation of spaces for citizen engagement; and the empowerment of local voices (Gaventa & McGee, 2013: 13). If there is an absence of transparency and accountability within a public service entity, corruption will be the consequence. The ill-

working relationships within the AU result in it being undermined by some state-members who abandon their membership mandate.

The APRM is a self-monitoring instrument and its membership is voluntary (African Union, 2016). APRM is one of the mechanisms that were established to maintain good governance, ensure transparency and accountability within member states. The resource mismanagement and corrupt activities within the APRM play a huge role in determining why this mechanism is not effective and is being undermined by member-states. It should also be noted that the mechanism is voluntary, which gives space for other AU members not to participate. The immoral activities within this mechanism lead to the participating states not to take it seriously. Instead, member-states representatives use their APRM memberships to push for their individual agendas. Kareem (2021) has observed that over the years, the APRM report and recommendations are not being effectively implemented by the concerned countries. Many of the African political leaders seem to be interested more in the membership of APRM, not because they want their countries to be peer-reviewed and consequently improve their political and economic governance, but because they want to satisfy international aid donors who use membership of the APRM as one of the criteria for development assistance (Kareem, 2021: 171). This equates such membership to ‘staged authenticity’.

When this happens, the objectives of the APRM are then not met. As such, corruption due to lack of transparency and accountability in many African states is still rampant. This should not be equated with Afro-pessimist. On the contrary, it points to the reality on the ground. However, we cannot ignore the fact that there are some success stories to tell about the operations of the AU. Despite the fact that the APRM’s recommendations are being ignored, the structure has been consistent with its work of publishing reports on every participating member state. The reports by the APRM suggest that corruption exists within member states. Empirical data indicate that corruption levels are significantly higher in the developing world “due mostly to variations in institutional quality and political accountability” in these countries (Lekalake, 2016: 1, quoted in Søreide 2014: 4). The AU should be assessed within this context.

Corrupt activities at national level have a direct impact on citizens as they result in underdevelopment, unemployment and poor service provision such as health care. At the extreme, unbridled corruption can lead to state fragility and destructive conflict, and plunge a state into

“unremitting cycle of institutional anarchy and violence.” In as much as corruption destroys the legitimacy of government in the eyes of those who can do something about the situation, it also contributes to instability. In Ghana, Nigeria and other West African states, corruption and embezzlement of public funds have often been cited among the reasons for military takeovers (Atuobi, 2007: 2). Such events occur when there is conflict of interests amongst certain groups, especially leaders under one jurisdiction.

Solutions and Recommendations

Transparency and accountability as discussed above cannot be guaranteed by implementing best existing mechanisms alone. What is required is a certain degree of leadership qualities. Africa needs leaders who are self-conscious before they embark on their leadership duties. They should be prepared to serve their communities and not themselves or their self-interests. The African local context should be factored in. For example, a leader from Europe cannot use the same tactics used in Europe to lead in Africa. This is due to differences such as cultural and religious backgrounds. Therefore, while embracing the general notions of transparency and accountability, African leaders should constantly interpret these concepts within the African context. In a general sense, a leader is a servant of the people, a selfless servant who is preoccupied with the tasks assigned to him. In the African context, a leader is viewed as someone who is a servant to the clan, tribe, community or group. As such, African leaders should view themselves as servants and not as masters to be served by those they lead.

Liberation struggle leaders such as Steve Biko and Thomas Sankara have been immortalised by their accountability to those they were leading. They did not advance their own self-interests as some African leaders do today but ensured that they served their people. In line with the point made earlier about being mindful of the local African context, African leaders should be guided by the *ubuntu* philosophy which has kept Africans for centuries. An African leader who embraces *ubuntu* would not find it difficult to embrace transparency and accountability.

While it is true that African leaders cannot operate outside of the global contexts, they should desist from being totally absorbed by foreign concepts. If Europeans are able to borrow from African experiences without necessarily losing their own identity, the same could be done by African leaders. In other words, Africans should strive to be change

agents and influencers as opposed to being recipients of foreign knowledge all the time. In this regard, it is possible for the AU to draw lessons from the EU without necessarily mimicking the EU in Africa.

It is true that the African continent is struggling financially. But this should not be used as the reason for accepting everything that comes from outside. With so many natural resources, the African continent could dictate the terms of engagement with the West. But for this to happen, Africans need to develop self-confidence, learn to work together, respect one another and be supportive of one another. Above all, they need to be honest and admit where they have gone wrong.

Lastly, African leaders have developed different instruments to ensure that there is transparency and accountability. There are also clear policies in place to take the African continent forward. What is left is to focus on implementation of all of the above as well as an improvement in the monitoring and evaluation of what has already been agreed to. Once these things are done, the effectiveness of the AU will be felt across the African continent and beyond.

Conclusion

In conclusion, transparency and accountability are global concepts that are associated with democratic practices. Various institutions strive to embrace these concepts. Without exception, these institutions face some challenges in their resolve to maintain transparency and accountability. The focus of this paper is on the AU. The challenges faced by the AU in ensuring that there is transparency and accountability have been outlined. But, as discussed above, the AU is not an exception. With all its many successes, the EU also experiences its own challenges in ensuring transparency and accountability. Therefore, this leads to the conclusion that African leaders should build on the successes that they have recorded and push forward to achieve more in ensuring that transparency and accountability eventually become the norm in African governance institutions even beyond the AU as the mother body. Efforts such as the APRM bring a glimmer of hope that the African continent can achieve more on its own. Lessons from the EU and other multilateral bodies would be useful. But these would have to be interpreted and applied within the local African context. The recommendations made above should serve as a good starting point on the way forward.

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