

The democratization of international organizations



IDW
**INTERNATIONAL
DEMOCRACY WATCH**

edited by
Giovanni Finizio
Lucio Levi
Nicola Vallinoto



CENTRE FOR STUDIES ON FEDERALISM



**Central African
Economic and
Monetary Union**

by
Angela Meyer



CENTRE FOR STUDIES ON FEDERALISM

I. Introduction

In the context of a general revival of regional cooperation on the African continent during the 1990's, Gabon, Cameroon, the Central African Republic, Chad, the Republic of the Congo and Equatorial Guinea decided to give new impetus to their regional economic cooperation. They agreed to replace by a new regional Community the largely neglected customs union, Union Douanière des Etats de l'Afrique centrale (UDEAC), they had established following their independence in the 1960's.

The Central African Economic and Monetary Community (CEMAC) was created in 1994 and became operational after its Treaty's ratification in 1999.

The resumption of regional cooperation in Central Africa implied a general review of UDEAC's agenda and objectives and adaptation to the regional and global context. It also included an institutional restructuring and the creation of new common bodies. In line with most other regional organisations on the African continent that followed the so called "second wave" of regional integration in the 1990's, the newly restructured Central African Community was given a more open and democratic image (Boas 2001; Wachira 2004).¹ The creation of a CEMAC Parliamentary Assembly and a regional Court of Justice was supposed to give additional dynamic and transparency to the regionalisation process. A major concern was to avoid new deadlocks and bottlenecks similar to those that had slowed or interrupted the previous regionalisation efforts.

Compared to most other regional communities on the African continent, such as the Southern African Development Community (SADC), the Economic Community of Western African States (ECOWAS) or the East African Community (EAC), the effective implementation of regional democratic elements has been a long and often delayed process in Central Africa. In particular, despite several repeatedly fixed deadlines, the inauguration of the regional Parliament has been postponed many times. However, as will be discussed in this chapter, its legal texts make of the finally in May 2010 inaugurated Parliament at least de jure a comparably influential institution.

¹ The "second wave" of regionalisation followed the signing of the Abuja Treaty on the African Economic Community in 1991. It can largely be seen as a reaction to the ongoing globalisation and the attempt of African states to jointly overcome economic challenges by resuming and strengthening their cooperation. Moreover, the second wave is marked by a significant widening of the initially economic cooperation towards political and sometimes even peace and security issues (Boas 2001; Wachira 2004).

This chapter explores the democratic nature of the CEMAC Community. It starts with two sections focussing on CEMAC and its institutions – one giving a more general presentation of the Community and the other taking a closer look at the CEMAC Parliament. A third section explores the democratic elements within the Community more in detail, and assesses the current state-of-development of regional democratisation in Central Africa, based on the IDW indicators. The chapters ends with concluding remarks discussing major problems and challenges on the way towards increased democratic governance in the CEMAC Community.

2. The Central African Economic and Monetary Community. A presentation

2.1. Building on old roots

The Central African Economic and Monetary Community (CEMAC) has been created by six states: Gabon, Cameroon, the Central African Republic (CAR), Chad, the Republic of the Congo and Equatorial Guinea. With a total population of about 37 million, it covers a total surface of around 3 million km². Together with the larger Economic Community of Central African States (ECCAS) – that in addition to these six Central African States also regroups Angola, the Democratic Republic of Congo (DRC), Burundi and Sao Tomé and Príncipe – and the less important Economic Community of Great Lake Countries (CEPGL) – composed of the DRC, Rwanda and Burundi – CEMAC presents one of the Central African regional Communities established to promote cooperation and exchange among its members.

CEMAC is often presented as a rather young organisation created in 1994 and operational since the ratification of its Treaty by all six members in 1999. However, the historical roots of this regionalisation process can in fact be traced back to the early post-colonial or even colonial period.

Integrating their colonies in Central Africa into a union was an idea brought forward by the colonial powers that governed the region. At the end of the 19th century, it was part of Germany's colonial expansionism project, and in the early 20th century, the French colonial regime took first steps towards some form of "regional integration." By regrouping Gabon, Middle Congo (now Republic of the Congo), Oubangui-Chari (now Central African Republic), Chad and Cameroon in 1919 in the

Federation of Equatorial French Africa (AEF), France primarily aimed to facilitate the administration of the Central African territories under French rule (Meyer 2006). Although AEF was dissolved in 1958 when its members achieved semi-autonomy, the Central African States resumed the idea of strengthening regional cooperation among them following their independence in the 1960's. Nevertheless, the idea of creating a single unitary or federal Central African State was soon abandoned because of major disagreements between large and small, resource endowed and poorer, and coastal and land-locked states. In addition, there was uncertainty and lacking commitment of the young states' political leaders towards embracing any form of heteronomy once again. In 1964, the Central African customs and economic union (UDEAC) was created by Cameroon, Gabon, the Central African Republic (CAR), Chad and the Republic of Congo-Brazzaville and became operational in 1966. Equatorial-Guinea joined the Community in 1984. In this regard, a merely economic initiative aimed to encourage and facilitate trade among its members won out over the political project, formulated and supported by some few Central African leaders, such as Barthélémy Boganda, of creating a unified Central African State with a unique Government and Parliament for the entire region.

With the mission of progressively harmonising national taxes and duties and establishing a common external tariff, UDEAC's institutional structure was rather simple, and lacked any democratic element. Initially, it was made up of three bodies, the Council of Heads of State (Conseil des Chefs d'Etat), the Executive Committee (Committee de direction) and the General Secretariat (UDEAC 1963). As main decision making body, the Council of Heads of State was responsible for leading the Community's main activities and defining common policies. It was composed of the members' political leaders and met once a year. The Executive Committee gathered the members' Ministers of Finance and Ministers of Economic Development. On its biannual meetings, the Committee was supposed to decide on the rates of common tariff, fiscal coordination and the alignment of industrial policies in view of progressive harmonisation of policies and tax systems. The Ministers were assisted by a committee of experts. The administrative body of UDEAC was the Secretariat, based in the CAR's capital of Bangui. It was in charge of applying the Union's founding Treaty and the decisions taken by the Council and the Committee. Headed by a Secretary-

General, it comprised two departments, one for commerce and fiscal issues, and one for industrial planning activities. In addition, a central bank, the Banque des Etats de l'Afrique centrale, (BEAC), created in 1972, regulated the States' affiliation to the monetary zone "Zone Franc" and issued the Franc CFA as common currency. To foster the idea of mutual assistance, part of the import taxes levied by the member states were to be managed by a solidarity fund. In 1975, the states also created a common development bank, the Banque de développement des Etats de l'Afrique centrale (BDEAC) to support joint development projects.

The main achievements of the Union were certainly the realisation of several infrastructure and construction projects, its efforts towards harmonising national fiscal and customs systems as well as the fact that it encouraged the regular meeting and exchange of the newly established states' political leaders. However, despite shared common heritage and traditional historical bounds of its members as well as the existence of a common monetary policy built on the Franc CFA, UDEAC's operational capabilities were considerably poor. Major weakening factors were the lack of commitment from the member states, financial shortages due to the irregular payment of contributions and the economic crises of the 1980's (Decraene 1993). Over the years, the members' interest in regional policies and activities more and more vanished. The union's efficiency was progressively compromised by financial problems, lacking communication and cooperation between the members as well as insufficient monitoring of effective implementation of decisions and directives. The decreasing support and commitment made the regionalisation process progressively slow until becoming more or less completely inactive. Above all, it is difficult to speak of a real form of regional integration, as a direct involvement of the Central African population was intended, neither in the regional cooperation activities, nor in the community policy-making processes (Meyer 2006).

2.2. CEMAC's institutional architecture

In 1994, in line with the general revival of regionalisation initiatives on the African continent, the six Central African States decided to give new impetus to their regional cooperation. With respect to UDEAC's low performance, they agreed upon initiating a comprehensive reform process (N'Kodia 1999). The subsequently created CEMAC

was to replace the customs union and to deepen and broaden the states' cooperation. The 1999 ratified and in 2008 revised Treaty defines as main mission of the Community to promote peace and the harmonious development of its member states through the establishment of an Economic Union and a Monetary Union and the shift from a situation of cooperation to one of economic and monetary integration (CEMAC 2004: Art. 1; CEMAC 2008: Art. 2).²

While partly referring to its predecessor's structures, CEMAC's institutional architecture is more complex and notably reveals more supranational elements. The main pillar institutions are the Monetary Union (UMAC), the Economic Union (UEAC), the Parliament and the Court of Justice, as well as a Court of Auditors that was subsequently added. There are moreover several Community bodies to support the regionalisation process. The governance of the two Unions, the Parliament and the Court of Justice is regulated by specific Conventions. The Convention regulating the Parliament has been adopted by the member states on 25 June 2008.

2.2.1. The Monetary and the Economic Union

UMAC and UEAC are the two unions CEMAC is built on in view of promoting the region's economic and social development (CEMAC 2008b; CEMAC 2008c). UMAC stands under the authority of CEMAC's main decision making body, the Conference of Heads of State and is build on the Franc CFA as the region's single currency. The other main institution of UMAC is BEAC that issues the Franc CFA and defines and conducts the common monetary policy in view of guaranteeing the region's monetary stability. The economic union UEAC, is currently less advanced and still in a set up process. The establishment of the Central African economic union is supposed to be achieved in two stages that include the harmonisation of national economic and tax legislations, the free movement of people, goods, capitals and services, as well as the coordination of national policies in a number of sectors, such as agriculture, trade, transport, telecommunication, environment and energy, in view of establishing a common market (CEMAC 2008c: Art. 3ff). Despite a very comprehensive body of legislations, UEAC's effective development has so far been slower than expected and has often been rescheduled and delayed for several reasons. Implementing the principle of free

² The word "peace" was only added in the revised version of the CEMAC Treaty from 2008.

movement of people has for instance repeatedly encountered the reluctance of CEMAC countries that face important migration flows, such as Gabon and Equatorial Guinea, and still require visas for nationals from other CEMAC states. Also the road taken towards creating a CEMAC passport has been considerably long and achievements often delayed. In addition, intra-regional trade remains at a considerable low level, as it is hampered by still remaining tariff and non-tariff barriers. Despite the set up of a customs union, with a common external tariff and a reduction of internal taxes, intra-regional trade only accounts for less than 2% of the total trade in the region (CEMAC 2009). This is much lower than in other regional economic communities with free internal trade, such as ECOWAS or SADC where the share is between 5 and 10% (Martijn and Tsangarides 2007).³

2.2.2. The Communitarian Parliament, the Court of Justice and the Court of Auditors

Besides the two unions, the Community Parliament and Court of Justice, as well as the most recently created Court of Auditors constitute CEMAC's other pillar institutions. The decision to establish them marks a fundamental difference between CEMAC and UDEAC. These institutions indeed present a supranational democratic element that has been absent before, as they are to exercise democratic, jurisdictional and budgetary control over the Community's functioning and activities. Their inclusion in the community's institutional structure symbolizes a clear break with the exclusively intergovernmental tradition of UDEAC.

Whereas the Court of Justice is in place since the year 2000, located in the Chadian capital of N'Djaména, the effective establishment of the Central African Parliament has taken longer than expected and has often been postponed, despite agreements on specific dates for its inauguration and the preparatory work of an Inter-parliamentarian Commission. The Parliament has finally been inaugurated on 15 April 2010, a decade after the Community had become operational in 1999.

Together with the Court of Auditors that had not been foreseen in the 1994 Treaty and has subsequently been added to the revised version of the Treaty from 2008, the Court of Justice and the Parliament constitute the three institutions in charge of controlling the Community's functioning and activities: As will be seen more

³ This does not include unrecorded informal trade flows between neighbouring countries.

in detail below, the Parliament is to exert democratic control over the institutions and bodies involved in the Community decision making process. In concrete, it has to ensure that their activities are in line with the Community's objectives and to express its opinion and recommendations on specific regional matters, such as new members' admission, regulations regarding free movement within the Community or agreements with third parties.

The Court of Justice has the mandate to ensure the respect for the law in the interpretation and application of the Treaty. Until the 2008 revision of the N'Djaména Treaty, the Court of Justice was composed of two Chambers: the Judicial Chamber (Chambre Judiciaire) to control the respect of the CEMAC treaties and agreements, and the Audit Chamber (Chambre des Comptes) to monitor CEMAC's budget and accounts.

With the Treaty's revision in 2008, the audit function and budgetary control over the Community institutions' accounts and spending has been assigned to a newly created Court of Auditors, with headquarters in N'Djaména too. The creation of the Court of Auditors has been endorsed on the Conference of Heads of State's 10th summit in Bangui in 2010. Henceforth, the Court of Justice's mandate is concentrated on ensuring the respect for the law in the interpretation and application of the Treaty by the CEMAC member states, institutions and bodies. Its activities moreover include to decide upon the progressive harmonisation of jurisprudence in areas covered by the Treaty, as well as to contribute through its advice towards the harmonisation of the member states' national legislations in these respective issues. To carry out its mandate, the Court of Justice has a jurisdictional function, advisory competences, as well as the duty to administer arbitrations in matters covered by the CEMAC Community Law (CEMAC 2008: Art. 46ff.).

2.2.3. The Conference of Heads of State and the Council and Committee of Ministers

The institutional framework of CEMAC's decision making level conserves some elements from UDEAC but is different and more complex in several points.

Similar to UDEAC, the main decision-making power is given to the members' political leaders, gathered annually in the Conference of Heads of State. The presidency of the Conference is rotating and must be entrusted each year to the Head

of State of a different member state, following alphabetic order. In 2011, the President of CEMAC is the Head of State of the Republic of the Congo, Denis Sassou Nguesso.

The Conference's main function is to determine the main orientations of the Community and its institutions. It moreover decides upon the admission of new members and nominates the heads and directors of most Community bodies, such as the President and Vice-President of the CEMAC Commission, the Commissioners, the Governor, Vice-Governor and Secretary General of BEAC and the directors of all specialised institutions. All decisions of the Conference of Heads of State are taken by consensus.

Besides the Conference, the member states' Ministers regularly meet to guide and monitor the implementation of the two unions. The Ministerial Committee in charge of UMAC is composed of the member states' Minister of Finance, who may be assisted by another Minister with no right to vote. The Council of Ministers for UEAC gathers up to three Ministers per member state in charge of financial, integration and economic affairs. Each Council holds meetings at least twice a year. The main role of these councils is to ensure the evolution of the two unions and to promote the progressive harmonisation of policies. The UMAC Ministerial Committee in addition supervises the activities of BEAC, ratifies the Bank's budget and accounts and examines its annual report. The annual presidency of both Ministerial councils is assured by the same member state that is heading the Heads of State's Conference.

2.2.4. The CEMAC Commission

Whereas the Executive Secretariat has been CEMAC's main management and administrative body, it has been replaced in 2008 by the CEMAC Commission. With the aim of making CEMAC's main executive power become stronger, the Heads of State have decided in 2007 to initiate a comprehensive reform process, partly following the example of the European Commission. The 2008 inaugurated Commission is considered to be a more independent institution than the Secretariat, with more thematic and less technical functions. According to the CEMAC revised Treaty, each CEMAC member state is entitled to propose one Commissioner in charge of a specific sector. The Commissioners, as well as the Commission's President and Vice-President are nominated by the Conference of Heads of State for a four-years-term, renewable

once. In June 2008, the first Commission has been appointed with four Commissioners, for the moment, dealing in the following policy fields: the common market, infrastructures and sustainable development, human rights and good governance, and economic, monetary and financial policies.

2.2.5. The specialised bodies, institutions and organisms

Finally, the Central African States have agreed upon establishing a number of decentralised specialised institutions to support the implementation of the Community policies and programmes. These include institutions active in fields like agriculture, health, infrastructure, and others, such as the Economic Commission on Cattle, Meat and Fishery Resources (CEBEVIRHA), the Inter-State Committee on Pesticides (CPAC), the Institute for Statistics and Applied Economics (ISSEA) or the Sub-Regional Multi-Sectoral Institute for Applied Technology (ISTA). There are also several school and training facilities, such as an inter-state school for customs officers, a Tourism School or an inter-state center for higher education on public health.

Before more precisely assessing the democratic nature of the CEMAC regionalisation process, the following section will put particular emphasis on the Community Parliament.

3. Controlling the community's evolution: a special glance at the CEMAC Parliament

3.1. A long and difficult birth

The CEMAC Parliament has been inaugurated in the Equatorial Guinean capital of Malabo on 15 April 2010, after a ten-years-long preparation phase. Illustrating “the ongoing democratisation process in the region,”⁴ it presents, according to its President Pierre Ngolo, an “instrument of integration, of promotion of democracy, of rule of law, of liberties and fundamental rights in the CEMAC zone.”

The decision of the Central African Heads of State to establish a regional parliament, with the mission to exert democratic control over the Community's work

⁴ “Le parlement illustre le processus de démocratisation en cours de la région,” The CEMAC Parliament's President Pierre Ngolo, quoted in AWEPA (2010). La mise en oeuvre du Programme d'Action d'Accra – rôle et perspectives du Parlement de la CEMAC. Rapport, 2/12/2010 (translation by the author).

and the progress of the regionalisation process marks a clear contrast to the highly inter-governmental institutional framework of UDEAC.

The creation of a Community Parliament has first been foreseen in Article 2 of the CEMAC Treaty from 1994 that lists the Community Parliament as one of CEMAC's four pillar institutions, along with the Economic Union, the Monetary Union and the Court of Justice. Article 4 of this Treaty provides for its subsequent creation by a separate Convention. The essential role of the Parliament is defined in the 1994 Treaty as legislating by means of directives. It is conspicuous here that the democratic control function of the Parliament is not especially addressed (CEMAC 1994: Art. 4). In the 2008 revised CEMAC Treaty, the Assembly's role has been further elaborated, to include in addition also the democratic control over the community's decision making institutions, bodies and institutions (art. 47).

The Convention regulating the Parliament has only been adopted in 2008 – on the same occasion as was agreed the revision of the CEMAC Constitutive Treaty. The Parliament's Convention governs all legal, operational and procedural aspects.

As has been mentioned above, the set up of the CEMAC Assembly has taken longer than expected. Although, over the last years, several schedules have repeatedly been fixed by the Heads of State, the Parliament has been officially inaugurated only in April 2010. In line with the additional Act n°3/99-CEMAC-CCE-01, adopted in June 1999, the Equatorial Guinean capital of Malabo has been chosen as the Parliament's seat. The inauguration ceremony has been held on 15 April 2010, in presence of all the CEMAC Heads of State.

Prior to the Parliament's creation and in preparation of it, a so called Inter-Parliamentary commission had been set up in Malabo in June 2000. According to its Rules of Procedure, adopted on 21 June 2000, the mission of this Commission was multi-layered. It had, on the one hand, to prepare the set up of the Parliament, notably by advising the Conference of Heads of State on this issue, and on the other hand to raise general awareness among the population in the CEMAC zone on the regionalisation process in general and the forthcoming establishment of the Parliament as the people's representative in particular. Moreover, the members of the Commission were able to already fulfil some of the functions and duties to be given to the Assembly once established. This included assessing the Secretariat's annual report

on the functioning and evolution of the Community, evaluating the audit systems in the CEMAC region based on the reports of the CEMAC Court of Justice and of the member states' Courts of Auditors, and formulating recommendations and advice, in form of resolutions and reports, to the Conference of Heads of State, the UEAC and UMAC Councils of Ministers and any other CEMAC institution in questions regarding the set up of the Parliament as well as any other matter, if requested. In addition, they had the right to hear the Presidents of the two ministerial Councils, the Secretary or the BEAC Governor, if considered necessary.

The Commission was formed by a total of 30 members: 5 per CEMAC member state, sent by the national Parliaments, until the final set up of the CEMAC Parliament. It was foreseen that ordinary sessions take place in Malabo twice a year for up to 21 days, and extraordinary sessions whenever required for less than eight days.

3.2. The CEMAC Parliament : Composition and functions

Since the CEMAC Parliament's inauguration, two ordinary sessions have been held – a first one in October 2010 and a second in February 2011 – which corresponds to the annual schedule and frequency agreed on in the Parliament's Convention from June 2008 (Art.9). According to this document, in every year, a first session has to start on the first Monday in February, and a second, also called "budgetary session" on the second Monday in September. In June 2010, the Additional Act n°19/CEMAC-CCE/10 had been agreed to fix the duration of the ordinary sessions to 30 days. This Act furthermore provides for the eventuality of an extraordinary session on a specific subject and with a duration of up to 15 days, if required.

Similar to the Inter-Parliamentary commission, the CEMAC Parliament is composed of a total of 30 deputies, equally representing the six CEMAC member states with five delegates per state. In an Additional Act, the CEMAC member states agreed that three of these five deputies have to be from the majority party in each country, whereas two shall belong to opposition parties. Moreover, at least one deputy per country has to be a woman. According to Article 5 of the Convention, CEMAC Deputies shall be elected through direct universal suffrage for a period of five years. The current members have however been sent from the national parliaments, in line with a temporary arrangement. The function of CEMAC Deputy is however

incompatible with the one as national parliamentarian, as well as with a position as national or CEMAC civil servant, in a national government or as Judge in the CEMAC Court of Justice. CEMAC is thus among the rare regional communities in Africa with regional parliamentarians directly elected by the population instead of being nominated by and from the ranks of national parliamentarians as it is the case in most other African regions.⁵

The Parliament is headed by a Bureau and a President elected by the parliamentarians among themselves for one year. A Parliament's Secretary-General is nominated by the CEMAC Conference of Heads of State for a non-renewable mandate of four years.

The CEMAC Assembly's budget is incorporated into the Community's budget, and the Assembly enjoys managerial autonomy.

The Parliament's Convention foresees two main functions of the Assembly: Democratic Control and Participation in the decision making process (Art. 14ff).

In their role of exercising democratic control, the CEMAC Deputies have to assess the Action Programme of every newly appointed Commission President as well as, once a year, the CEMAC Commission's annual report on the Community's evolution and functioning. In case they identify any irregularity in the way the Commission carries out its mission, they can either seize the CEMAC Council of Ministers, address the CEMAC Commission and pass a vote of non-confidence (motion de censure) against it or address the CEMAC Heads of State. A vote of non-confidence needs the support of at least one-third of the Deputies and can only be addressed in the presence of at least one-third of the Deputies. If the Deputies inform the Conference of Heads of State about a vote of non-confidence, these can invite the Commission to resign.

As another task of democratic control, the Deputies are also asked to assess the annual report of the CEMAC Court of Auditors in view of evaluating the Community's audit system.

As organ of democratic control, the CEMAC Parliament expresses its views in form of resolutions or reports.

⁵ For more details on the election or nomination of parliamentarians in regional communities in Africa, see Terlinden (2004).

The second function of the CEMAC Parliament is its participation in the decision-making processes. It has advisory functions on Additional Acts, Regulations and Directives. In addition, it must be consulted in a list of issues, including the adhesion of new member states, association agreements with third countries, the Community's budget, Community sector policies, the right to settle and the right of free movement of people, goods and services, the election mode of the Parliament's members, and all issues related Community taxes and levies. Regarding new memberships, free movement rights and agreements with third countries, the Parliament's assent is even mandatory. In the decision making process, the CEMAC Deputies express their views either by recommendations or assent ("avis simples," "avis conformes") or by proposed amendment.

Once a year, the CEMAC Commission has to consult the Parliament on the proposed Community budget that had been elaborated by the Council of Ministers and to give it the possibility to propose any amendments of the draft.

Finally, although it has no direct legislative power, the Assembly can invite the Commission to develop or modify existing Community policies, or to initiate new ones.

4. The democratic dimension of CEMAC. The current state of development

In order to assess the effective democratic nature of CEMAC and how democratic principles are considered and respected in the regionalisation process brought forward by the CEMAC member states, this section will analyse this Community's institutional structure, regulations and arrangements, as well as the latest developments according to a number of macro-indicators. It will hereby focus first on the supranational and the intergovernmental dimension and question how power and control are divided among the Community bodies. Second the assessment will reflect upon the role of non-state actors and more precisely the involvement of the Central African population and the civil society. A third focus will be laid upon output legitimacy and the issue to what degree the respect of human rights is addressed.

4.1. The distribution of powers in the decision making process

4.1.1. Inter-state democracy

As has previously been said, within the Central African regionalisation process supported by Cameroun, Gabon, the CAR, Congo, Chad and Equatorial Guinea, the Conference of Heads of State presents the central decision making body that gathers once a year the political leaders of the six Central African states for an ordinary meeting to define the main political orientations and priorities. Decisions are taken exclusively by the Heads of State, by consensus and upon a “one-country-one-vote” principle. Specific decisions concerning the evolution of the Economic Union and the Monetary Union are made by the countries’ Ministers in the UEAC Council and the UMAC Committee.

4.1.2. Supranationalism

Over the last decade, CEMAC has witnessed a slow, yet rather significant move towards supranationalism, first with the transformation of UDEAC into CEMAC, and second with the comprehensive reform in 2008 that led to the creation of the CEMAC Commission, replacing the Executive Secretariat, the inauguration of the CEMAC Parliament in 2010, and the introduction of the Court of Auditors, implying a refocusing of the Court of Justice’s mission on jurisdictional control.

CEMAC’s bodies and institutions with a clear supranational dimension are the Commission, the two regional banks BEAC and BDEAC, the Parliament, the Court of Justice and the Court of Auditors, as well as the different specialised bodies and organisms. This group is contrasted by those directly representing the member states and their governments, namely the above mentioned Conference of Heads of State and the two Ministerial Councils of the Economic and the Monetary Union.

The distribution of responsibilities between these two groups makes it quite evident that despite the latest tentative approaches towards a more supranational form of organisation, major powers remain within the states’ sphere of influence.

This becomes particularly obvious regarding the distribution of legislative powers, and more precisely the legal binding force of the different kinds of decisions and texts.

The most important legal texts are prepared by the Conference of Heads of State and the two Ministerial Councils. Additional Acts that complement the Treaty in its

most recent version can only be adopted by the Conference. The Conference moreover is entitled to take binding decisions. The UMAC Committee of Ministers and the UEAC Council of Ministers can produce regulations and directives and draw up decisions, recommendations and advices.

The power of the other Community bodies to take part in the decision making process is comparatively limited. It includes regulations on applications (“règlements d’application”), decisions, recommendations and advices.

The Parliament as main democratic institution is only entitled to legislate by directives in specific areas and must be consulted for recommendations in several policy fields. Although its advice is mandatory regarding the accession of new member states, association agreements with third countries, and the right of settlement and free movement of people, goods and services, it is however not binding for the Conference of Head of States in its final decision.

Additional Acts adopted by the Conference of Heads of State have to be implemented directly by the CEMAC institutions and bodies, as well as the member states’ authorities that are directly concerned by them. Also decisions made by the Conference are binding and mandatory for the addressed parties. Depending on their nature, regulations adopted by the Ministers are either entirely or partly mandatory and have to be directly implemented in the member states. Directives in return, lay down specific results to be attained while leaving it to the member states to choose the measures to be taken in order to achieve them. Recommendations and advices finally are not binding.

Regarding the judicial power, the effective capacities of the Judges are in fact limited to ensuring the respect and application of the Community Law, as well as the primacy of Community over national law. According to the Convention adopted in 2000, the Court of Justice has a jurisdictional and a consultative role (Art. 3ff). This Convention moreover gives the Court the responsibility to audit the Community accounts. With the reform process currently underway, the foreseen amendment of the Convention and the creation of the Court of Auditors, the Court of Justice however loses this competence. In its jurisdictional role, the Court delivers judgements in case the CEMAC Treaty and other constitutive texts are violated as well as in questions regarding the interpretation of Community legal texts. In case the

Court declares a member state's behaviour as non-compliant, the Convention foresees that the latter has to take the necessary actions to again respect the Community Law. However, if it fails to do so, the 2000 Convention does not provide for any pre-litigation procedure, giving the Court any possibility to intervene. It is in fact upon the Conference of Heads to decide on how to react. In its consultative role, the Court of Justice can provide advice regarding the conformity of national legal texts and the Community Law, upon request of a member states or any CEMAC institution.

Judgements, as well as interpretations of the Community Law have to be respected by the member states and the CEMAC institutions concerned by them.

Up to now, the CEMAC Court of Justice has mainly been considered as a rather weak instrument (ECDPM 2006). Nevertheless, the number of cases treated and judgements made has significantly increased over the last years which may indicate a certain improvement. In 2006, an independent assessment has allowed to show that the Court has issued only 17 orders and 5 advices between its inauguration in 2000 and the year 2005 (ECDPM 2006). For the period 2008 – 2009, the Court however registered some 57 cases. In 2009 and 2010, it has rendered 13 decisions, of which 12 were judgements and one an advice. The Court received 25 new cases, in addition to 18 pending, making a total of 43 cases (Biani 2010).⁶ This slow increase in activity shall however not underestimate the still problematic weakness of the Court. According to the Court's First President Jean Mongo Antchouin, the still rather limited activities of the Court indeed hamper the popularization of Community law. As the President noted on the occasion of the formal opening of the new legal year in March 2010, the member states' population still largely ignore the Community Law which calls for more measures to further popularize it.⁷ This problem has also been addressed in the above mentioned independent audit that stressed in this context the limited exchange between the national judges and the CEMAC Court of Justice. Between 2000 and 2005, the CEMAC Court has never been approached by the member states' national jurisdictions to provide a legal interpretation of Community law or to evaluate the conformity of a national law with the CEMAC Treaty.

⁶ See also "Rentrée judiciaire de la Haute Cour de Justice de la CEMAC édition 2009-2010," article online available on the website of the Government of Chad. http://www.primature-tchad.org/index.php?option=com_content&view=article&id=278:rentree-judiciaire-de-la-haute-cour-de-justice-de-la-cemac-edition-2009-2010&catid=1:le-journal.

⁷ See note 6 above.

As concerns, thirdly, the executive power, the responsibilities of the Community's Secretariat have been significantly modified through its transformation into a Commission in 2008. Up until then, the Secretariat had often been criticized for being primarily an organ in charge of preparing and executing the Conference of Heads of State's decisions (ECDPM 2006). With the establishment of the Commission, it can be said that this supranational institution has been given more thematic rather than solely technical capacities, especially through the creation of specific thematic Departments headed by Commissioners. The 2008 revised CEMAC Treaty moreover emphasizes the Commission's right of initiative in normative terms, as well as its powers in executing the Community policies and programmes related to the establishment of the Central African Economic Union. It can make propositions to the Conference of Heads of State and the UEAC Council of Ministers regarding the orientation of the member states' economic policies that the Council can only amend with unanimity. The further improvement and deepening of the Commission's capacities is regularly addressed by the member states, and considered as a significant measure in view of promoting the region's economic development. The Commission is also the main guardian of the CEMAC Treaty that shall ensure the respect of all constitutive legal texts. It also represents the Community in international negotiations that affect issues within its objectives and is in charge of establishing cooperation agreements with third parties. It has notably taken part in the negotiations of the Economic Partnership Agreements (EPA) with the European Union, and thereby represented the CEMAC member states as a block. As the "engine of Community policy" (CEMAC 2008: Art. 35), the Commission is moreover in charge of strengthening the cooperation among the Member States and of coordinating their activities in relevant fields. Finally, the Commission implements the Community budget and elaborates self-financing strategies.

4.1.3. Power Limitation

Regarding the capacities of Community institutions to effectively influence and contribute to the regionalisation process, it has to be said that their control functions certainly remain rather limited.

A closer look at the legal text regulating the CEMAC Parliament makes indeed evident that its control over the other institutions' activities on the one hand and the Community's budget on the other hand is considerably weak. The Parliament is in fact only empowered to check the Commission's activity report as well as the report presented by the Court of Auditors. In the first case, Deputies can ask oral or written questions on specific issues to the Commission, as well as to the UMAC Ministerial Committee and the UEAC Ministerial Council. Should they reveal any inconsistency, MPs can question the Commission or seize the Council. The already mentioned right of the Parliament to also vote a motion de censure which will be considered if supported by only one-third of the Deputies and if two-thirds of them are present during the deliberations however presents a substantial improvement in the supranational bodies' control power. Nevertheless, it must be acknowledged that this additional power of the Parliament is limited by the fact that it is the sole right of the Conference of Heads of State to finally react upon this vote of no confidence, and to decide upon the dissolution of the Commission.

Regarding the control function of the CEMAC Court of Justice and its above mentioned right to point out cases of Community Law violation by member states, the 2008 revised version of the CEMAC Treaty introduces a new element. It foresees that "in case of a member state's failure to comply with the obligations it has under Community Law, the Court of Justice can be seized in view of pronouncing sanctions (...)" (CEMAC 2008: Art.4). Whereas, initially, CEMAC judges were not entitled to pass judgement in case member states fail to fulfil obligations and had no effective power to impose any sanction, this new regulation indeed presents, at least de jure, a significant broadening of the Court's competences and responsibilities. It gives the Judges moreover power that only few regional Judges possess in their responsibility to guarantee on the one hand the direct and mandatory application of Community law and norms, and on the other hand the primacy of Community over national law.

However, the also de facto capacity of the Court of Justice to sanction a defaulting state may appear questionable. As was underlined by one of the CEMAC Judges, Georges Taty, the judges are empowered, in such a case, to verify if the concerned state is indeed violating Community Law. If this is the case, they can neither revoke a specific national law or legislative act, nor sentence the state in any way. Also the

effective application of this regulation seems questionable given that the necessary approach appears rather complicated. Indeed, according to Article 141 of the draft Additional Act on rules of procedure, the Court shall only be addressed in case of Community Law violation by a member state if the CEMAC Commission had addressed a report to the Council of Ministers beforehand. As Taty rightly points out, this is not only problematic in view of the long and tedious process that it entails. It also gives the Council of Ministers a role of control that it did not possess so far (Taty 2011).

4.1.4. Appointment

If the promising evolution towards deepening the supranational dimension of CEMAC that has been illustrated by the set up of new Community bodies and the strengthening of the political power of the Commission, is in a certain way contrasted by still remaining limitations in the distribution of responsibilities and competences, as well as by the unequal importance and binding character of legal texts adopted by Community and intergovernmental bodies, another concern can be raised regarding the way directors and leading officials within CEMAC bodies and institutions are nominated.

Indeed, the representatives of almost all major Community institutions and bodies are selected by the Heads of State. As is stated in the 2008 revised CEMAC Treaty, it is incumbent upon the Conference of Heads of State to nominate the President, Vice-President and Commissioners of the CEMAC Commission, as well as the leaders of all other CEMAC institutions, bodies and specialised institutions of which the constitutive texts foresee such a provision. In concrete, this concerns almost all institutional elements of CEMAC. Indeed, the six executive members of BEAC – the bank's Governor, Vice-Governor, Secretary General and three Director Generals – as well as of the judges of the CEMAC Court of Justice and the members of the Court of Auditors are nominated by the Heads of State.

The sole exceptions are the CEMAC parliamentarians, to be directly elected by the Central African citizens every five years, and the President of BDEAC. The latter is in fact nominated by the General Assembly of the Development Bank's shareholders. Besides the CEMAC member states (designated as category A shareholders), these are

representatives from BEAC, the African Development Bank (ADB), France and Kuwait (designated as category B shareholders).

Regarding the nomination of the Community's institutions and bodies through the Conference of Heads of State, a significant reform has been undertaken following a decision adopted on the Heads of State summit in January 2010 in Bangui. In accordance with the so called Fort-Lamy Consensus, adopted in 1973 among the then five Central African States, posts were initially strictly distributed according to nationalities. BEAC was always headed by a Gabonese Governor, with Vice-Governors from Congo and Chad. The position as Secretary-General (now replaced by the Commission President) was in return always occupied by a Cameroonian. This consensus was also reflected as regards the choice of headquarters.⁸

In contrast, the new agreement adopted in 2010 foresees a job rotation in alphabetical order for the leading positions of most Community institutions, such as BEAC and all specialised institutions. As a first application of this new regulation, Lucas Abaga Nchama from Equatorial Guinea has been nominated in January 2010 as new BEAC Governor.

4.1.5. Democracy at national level

The predominant position of the institutions directly representing the CEMAC Heads of State and their governments within the Community decision making process and the nomination of leading officials can be considered as problematic, especially when considering the nature of democratic governance on the national level.

A central concern is given by the lack of a solid parliamentary culture and tradition in Central Africa in general. Central African states usually are at the bottom of rankings evaluating the democratic character of states. In the Democracy Index published by the British news magazine *The Economist* for the year 2010, the six member states for instance all rank among the lowest quartile of all ranked states, with most disappointing scores for their electoral processes, functioning of their

⁸ The CEMAC Commission is located in Bangui, the BEAC headquarters in Yaoundé (Cameroon) and the one of BDEAC in Brazzaville (Congo), the Court of Justice and the Court of Auditors are in N'Djaména (Chad), the Parliament is in Malabo (Equatorial Guinea). Two other CEMAC institutions are the Central African Bank Commission (COBAC, located in Douala (Cameroon) and the Stock Exchange in Libreville (Gabon). Specialised institutions and organisms are located in every member state.

government, political participation, political culture and respect of civil liberties.⁹ Chad and the CAR were even listed among the six countries with the lowest democracy scores. In the categories “Electoral process and pluralism,” “Functioning of government” and “Political participation,” the scores of Chad, that is on the penultimate rank of the The Economist evaluation, are 0 on a 0 to 10 scale.

The Central African states are among the most instable and conflict-torn on the continent that have almost all witnessed several cases of attempted or successful non-constitutional regime change. Whereas Gabon and Cameroon have been more or less spared from major violent unrest until now, the other four have frequently been witnessing significant challenges for their internal stability over the last years. The CAR is in a state of internal crisis since the late 1990's, with a series of mutinies, coups d'Etat and the escalation of violence in areas in the Northern and North-Eastern provinces that have partly or completely fallen out of state control. The actual President, François Bozizé came even to power in 2003 by toppling his predecessor Ange-Félix Patassé. The Republic of the Congo has gone through a series of civil wars between 1994 and 1999, opposing different militia groups, and is only slowly recovering. Since 2005, several rebel movements have been fighting the regime of Idriss Déby in Chad, with repeated attempts to seize the power in the capital N'Djaména.

In addition, these countries are also governed by Heads of State that are among the longest-serving in Africa, with Teodoro Obiang being in office in Equatorial Guinea since 1979, Denis Sassou-Nguesso in the Republic of the Congo since 1979 too, with an interruption between 1992 and 1997, Paul Biya in Cameroon since 1982, Idriss Déby in Chad since 1991. Omar Bongo from Gabon died in 2009 after a Presidency of 41 years and 10 months. Elections in these countries are regularly subject to critiques from opposition parties that denounce electoral fraud. Moreover, political opposition is rather weak in these countries and often only marginally represented in the national parliaments. The most striking case is certainly given by Equatorial Guinea, where since the May 2008 elections, the ruling party PDGE of President Obiang occupies 89 of the 100 seats, whereas 10 seats are held by coalitions including the PDGE and only one by

⁹ The Democracy Index is published since 2006 on a biennial basis by the Economist Intelligence Unit to reflect the situation in 165 independent States and two territories. The index is based on five categories: electoral process and pluralism, civil liberties, the functioning of government, political participation and political culture. See: http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf.

the opposition party CPDS. The circumstance that consequently the Equatorial Guinean Parliament rather presents a government body than an independent entity may in a way open the question of the appropriateness of Malabo as location of the CEMAC Parliament.

For several reasons, the democratic problems and deficits in the CEMAC member states are critical for the promotion of democracy on the regional level. On the one hand, the limited role and power of political opposition in most of these states and the weakness of national parliaments to seriously control the executive power can largely explain the lacking interest of the Heads of State in fostering democratic governance and participatory approaches on the Community level. Also the fact that some of these regimes, such as notably the governments in Chad and in Congo, have in the past regularly been fought by opposition movements trying to topple them and seize the power may make opposition parties appear to these Heads of State more as a direct threat than as a political representative of some peoples' interests. On the other hand, it has to be asked if Central African citizens will recognize the CEMAC Assembly in its role as direct representative of their interests in Community matters as long as they do not really feel represented by their Deputies on the national level. Finally, it has to be noted that, after the military coup in the CAR in 2003, the CEMAC Heads of State were among the first to unanimously recognize rebel leader Bozizé as new President and even urged the African Union to follow suit despite the AU's principle of not accepting coup leaders as political leaders (Meyer 2009).

4.2. Awareness and involvement of citizens

A further and closely related challenge towards effectively increasing democratic governance on the CEMAC Community level can be seen in the limited possibilities offered to the Central African population in order to become aware of the regionalisation process and its evolution and to directly take part and influence decisions taken on regional cooperation matters.

4.2.1. Input legitimacy and participation

Apart from the provision that CEMAC MPs will in the long term be elected through direct universal suffrage, the Parliament Convention does not foresee any possibility

for citizens to directly enter in contact with their regional deputies and express themselves on matters they would like to be addressed by the Assembly. Certainly, the weak relation between the electors and their delegates on the regional level is often criticised in other regional Communities too, for instance in the European Union's case. However, over the last years, European citizens have been given more and more possibilities to enter in contact with the European MPs – by contacting the Parliament through its “Citizens' enquiry service” for asking questions, requesting information or even making proposals, or by individually or collectively submitting a petition in form of a complaint, request or observation. Also the exchange with European civil society organisations has been deepened, with the holding of specific meetings and consultative events, so-called Agoras. The CEMAC founding documents do not foresee any similar provision to ensure the direct involvement of the Central African civil society in the Parliaments' work.

In a general way, and especially compared to other regional communities, the effective impact of the civil society on Community policy-making and agenda setting remains questionable in the CEMAC Community. In some other African regional Communities, such as in Western and Southern Africa, specific forums and committees have been established to allow representatives of the civil society to meet prior to the regional summits of political leaders and express their views and concerns. These bodies are either integrated in or associated to the communities' institutional architecture.¹⁰ Such institutionalised possibilities are not provided within the CEMAC's regional structures. This lack partly reflects the situation on the national level, where communication and exchange between state actors and the civil society on CEMAC related activities, legislations and policy implementation is considerably low as there are very few possibilities for hearings or consultations. It is possible to partly explain this limited involvement of non-state actors by the rather recent emergence of the

¹⁰ The West African Civil Society Forum (WACSOF) has been set up in December 2003 by over hundred NGOs located in the ECOWAS member states. In view of protecting and promoting the population's concerns and interests on the Community level, WACSOF regularly meets before the ordinary ECOWAS summits of Heads of State and expresses public views and positions on the agenda items. In addition, the forum has committed itself to monitoring the respect and implementation of Community policies by the member states. In a similar way, also in Southern Africa, the Council of NGOs (SADC-CNGO) has been set up in 1998 with the objective of directly representing the interests of the civil society within the SADC process. The council's meetings are generally held at the same time as the SADC Heads of State and Government Summits to deliberate on issues related to the region's development and integration.

Central African civil society compared to other African regions which makes it a still considerable weak power. However, there is also a significant mistrust on the side of the states towards these groupings that are often considered as trouble makers or mouthpieces of foreign interest. This results in the government's reluctance to recognise civil society organisations as political stakeholders and representatives of the population and to establish appropriate structures and channels to involve them in decision-making processes.

Nevertheless, there is growing interest and engagement from the Central African civil society to contribute to the process. Indeed there have been several bottom-up attempts and efforts to further increase the role of non-state actors on the Community level. Over the last years, several CSOs have emerged or merged into regional assemblies and launched initiatives to influence and monitor the regionalisation process.

In the forefront of the EPA negotiations between the European Union and CEMAC, for instance, representatives from several Central African CSOs organised a meeting in the Cameroonian capital of Yaoundé. They issued a common declaration to disapprove the initiative and express their concern about the free trade agreement's social implications. The platform was officially recognized by CEMAC negotiators and their declaration taken into consideration during the negotiation process. Also several civil society networks, such as the Network of women active in CEMAC (Réseau des femmes actives de la Communauté économique et monétaire de l'Afrique Centrale/ REFAC) regularly try to get involved in CEMAC activities and policies and to promote the exchange of civil society actors and movements in the CEMAC region.¹¹

In return, also the CEMAC Deputies have started to foster their contacts to the other CEMAC institutions and the specialised organisms in the member states, and to raise public awareness on the recent inauguration of the Parliament and their work. In fall 2010, six delegations of five MPs each have travelled in the different CEMAC states to meet with other CEMAC representatives in view of exchanging on their respective activities and to organise public events for the media, political parties, national parliamentarians, civil society and the population in general. These so called sensitization missions are indeed crucial in view of better informing about the

¹¹ Information based on telephone interview conducted by the author with REFAC's director.

Parliament's mandate and functions and therefore encouraging people to recognize the CEMAC MPs as their direct representatives on the regional level.

4.2.2. Control

Despite these initiatives, general knowledge and awareness about the CEMAC regionalisation process still remain considerably low (ECDPM 2006). The name of CEMAC is present in the population's every day life - by being mentioned on the labels of mineral water bottles and other products ("sold in the CEMAC/ vendu en CEMAC"), on the Franc CFA coins and bank notes or on advertisements in the streets and in the newspapers. However, the availability of more detailed information about the Community, its goals, objectives and activities, as well as on its main institutions is limited. Although all decisions, regulations, legal acts and directives produced by the different CEMAC bodies are supposed to be published in the Official CEMAC Bulletins, the irregular appearance and relatively high price of this publication hamper its accessibility and broad dissemination.¹² In addition, courses on the CEMAC and Community law are only rarely offered by universities and other higher education institutions. Therefore the state of knowledge and expertise also remains low among students and academics.

The free and open availability of CEMAC's main legal documents, its Treaties, Conventions and Additional Acts, as well as other relevant publications and data on the Community's website (www.cemac.int) may bring some improvements and broader dissemination of these texts and information, especially with respect to the increasing access to and use of internet on the African continent. The low level of public awareness on CEMAC and its institutions is in addition frequently addressed by the Heads of State on their summits. Consequently, several initiatives have been launched in order to make the Community better known in the member states.

As first important measure, the Heads of State have decided on their summit in June 2008 to create a CEMAC public holiday. Celebrated on 16 March 2009 for the first time, this memorial day is to further sensitize the Central Africans for regional activities and to promote the creation of a Community spirit. Every year, celebrations take place in all six member states. In the previous years, this has included visits by the

¹² The price of the Official CEMAC Bulletin is of Franc CFA 5000 (approximately Euro 7,60). An electronic version is also available ([www. http://www.izf.net/pages/bulletins-officiels-cemac/2277/](http://www.izf.net/pages/bulletins-officiels-cemac/2277/)).

CEMAC commissioners in their respective country of origin to assist the festivities. A similar effect of sensitization is expected from other projects, such as the planned issue of a CEMAC passport and creation of Air CEMAC, as these could create important symbols and indicators for the existence and progress of the community's development, directly perceptible for the population. The implementation of these projects is however rather slow. Similar to the set up of the Parliament, the deadlines to create Air CEMAC or the CEMAC passport have regularly been postponed in the past years. The realisation of these projects indeed faces different problems, such as disagreement among the Heads of State, for instance regarding the location of Air CEMAC's headquarters or unequal distribution of costs and benefits, notably between States more affected by high level of immigration, such as Gabon and Equatorial Guinea, and the others.

4.3. Output legitimacy and human rights

Whereas initially created as Customs Union with a concrete economic goal, the Central African Community composed of Cameroon, Gabon, the CAR, Chad, the Republic of the Congo and Equatorial Guinea has undergone a considerable broadening of its scope over the years. The most extreme enlargement has certainly been the set up of a joint multinational peace force, the Force multinationale en Centrafrique (FOMUC) from 2002 to 2008 in view of responding to raising insecurity and instability in the CAR and the international community's reluctance to actively intervene. It is certainly possible to bring this emphasis on peace and security issues in relation with CEMAC's mission to promote the region's economic development. Indeed, the decision to send some 380 Chadian, Congolese and Gabonese soldiers that were later on joined by a contingent from Cameroon to attain a strength of up to 500 troops was also based on the Heads of State's concern that tensions in one of their members were likely to affect their own economies, trade relations and foreign investments in the region (Meyer 2009).

Since the other Central African regional community, ECCAS, has taken over the command of the peace mission under the name of MICOPAX, CEMAC has recentered its activities on promoting economic cooperation and development.

The most important initiative in this direction has been the elaboration of the Regional Economic Programme (PER) that shall be implemented until 2025. PER is intended to be implemented in five main fields that are considered as main pillars for making CEMAC become a viable economic actor in Africa: energy, agro-industry, forestry, animal fishery industries, mines and metallurgy.

During the first sessions of the CEMAC Parliament, the realisation of PER and major achievements so far have been subject to deliberations, notably following the presentation of the CEMAC Commission's annual report, and questions to the President of the Commission and the Council of Ministers.

Regarding the respect of human rights, this principle has been added to the CEMAC Treaty after its revision in 2008. The 1994 established text indeed mentioned in its Preamble the Heads of State's attachment to the principles of liberty, democracy and the respect of fundamental rights and rule of Law. This has been further elaborated. Still in its Preamble, the revised Treaty therefore reaffirms the member states' Governments' "attachment to the respect of the principles of democracy, human rights, the rule of law, good governance, social dialogue and gender issues" (CEMAC 2008). In addition, a Commissioner for Human Rights, Good Governance and Human and Social Development has been appointed in June 2008.

5. Major technical problems of the democratisation process: concluding remarks

In conclusion, it can be acknowledged that the CEMAC Community has witnessed a significant and in some points particularly promising evolution over the last years. The comprehensive reform process, the strengthening of the supranational institutional level notably with the inauguration of the CEMAC Parliament as well as the definition of the Regional Economic Programme as major roadmap may indicate a trend towards increased consideration of democratic principles in regional cooperation, institutional structures and practices. This may indeed pave the way towards softening and balancing the nevertheless still primarily intergovernmental cooperation in Central Africa.

However, these latest developments should not overshadow the prevailing problems in terms of democratic governance. Indeed, one should not overestimate the progress made so far and thereby underestimate the obstacles that need to be

overcome in order to effectively and sustainably improve the democratic nature of the CEMAC process.

Major challenges remain in particular regarding, first, the level of political commitment and will of the states to support the implementation of the regionalisation process and, closely linked, the availability of resources and capacities; second, the de facto distribution of responsibilities between intergovernmental and supranational bodies; and third the importance to ensure that decisions, policies and activities of the Community are endorsed, not only by the Member States' governments but also their population.

Regarding the first challenge, it has to be recalled that financial and material shortages, as well as limited commitment and support from its members presented the main reason for UDEAC's bad performance, slow advancement and frequent deadlocks. Also for CEMAC, lacking resources are a fundamental problem that highly challenge the activities of its institutions. Despite the introduction of a so called integration tax (TCI/P) as new financial source for Community activities, CEMAC's budget, primarily based on the TCI, member contributions, and payments by foreign countries and organisations, such as the European Union, is considerably small and regularly fails to entirely cover the costs for implementing the Community's projects, such as the PER, and ensuring the performance of all CEMAC institutions. As a result to budget shortages, the Commission for instance is only able to cover its running cost but mainly lacks the resources necessary for implementing regional policies and programmes (ECDPM 2006). This capacity problem is both nourished and aggravated by the member states' lacking commitment as well as frequent conflicts of interests among them regarding the realisation of common projects. This results in a significant gap between the existing body of legislation and envisaged projects and policies on the one side and the level of enforcement on the other.¹³ As has previously been outlined, the delayed set up of the Parliament, the long-lasting process to establish free movement of people, or the still not existing Air Cemac and CEMAC Passport are only the most prominent examples of how Community policies often remain on the paper.

¹³ See also the analysis made by the European Union. European Commission, "Overview of regional integration in ACP countries," http://ec.europa.eu/development/icenter/repository/consultation4-Overview-of-regional-integration-in-ACP-countries-03-03-2008_en.pdf

The strengthening of supranational bodies presents in this way a promising development that may lead towards increasing these institutions' control over the inter-governmental actors, counterbalancing the intergovernmental nature and bringing more dynamic into the process. This however depends on the one hand on the effective willingness and commitment of the member states to make these bodies become strong and independent counterparts. On the other hand, a central question will be to what degree these Community actors will be able to cooperate in view of reinforcing their power and sharing their responsibility. A challenge may be given here by the geographic dispersion of CEMAC's institutions. Whereas the Commission's Headquarters is located in Bangui (CAR), the Parliament is established in Malabo (Equatorial Guinea), the Court of Justice in N'Djaména (Chad), the BEAC in Yaoundé (Cameroon) and the BDEAC in Brazzaville (Republic of the Congo). As a consequence, communication between these institutions is often complicated, time and resource consuming, given the relatively poor condition of infrastructures. The sensitization missions that have most recently been carried out by the CEMAC Deputies with the aim of meeting and networking with other CEMAC officials may present an important step, especially if it encourages similar initiatives by other institutions.

Increasing the still marginal involvement of the population in the regionalisation process will finally depend on the two previous aspects. It is, on the one hand, reliant on the states' commitment towards effectively opening Community decision making processes to the population, citizens and civil society. Other African regional Communities that have set up civil society forums and allow these to express themselves prior to the summits may be taken here as examples. On the other hand, it remains to be seen how the anticipated possibilities for direct public participation will effectively lead towards raising the Central African population's awareness and identification with the regionalisation process. A central concern is hereby given by the feasibility and practicability of universal parliamentary elections. The direct and universal election of the Community Deputies certainly seems one of the most promising elements for promoting democratic governance in the CEMAC Community. At the same time, this provision may be complicated, and cost intensive. The organisation of direct and universal elections would require the drawing of electoral maps and region-wide voter registration. Holding the elections in each country the

same day would certainly be favourable for ensuring continuous integrity and work of the Assembly. At the same time, it is also very likely to cause logistical problems and generate confusion, notably because of the bad condition of infrastructures within the region. In this perspective, the organisation of direct universal elections at the CEMAC level will certainly not be for tomorrow. It is to be seen how long the current interim arrangement will remain in place, and when the first universal CEMAC elections will be able to be held as a milestone on the road towards democratic governance in the CEMAC region.

References

- AWEPA. 2010. *La mise en œuvre du Programme d'Action d'Accra – rôle et perspectives du Parlement de la CEMAC*. Rapport, December 2
- Boas, Morten. 2001. "Regions and regionalisation: A heretic's view," in *Regionalism and Regional Integration in Africa. A debate of Current Aspects and Issues*. Discussion Paper 11. Uppsala: Nordiska Afrikainstitutet: 27-39
- Biani, Djimet. 2010. "Tchad: Rentrée judiciaire pour la Cour de Justice CEMAC." *Le Journal du Chad* (online) 09/12/2010. <http://www.journaldutchad.com/article.php?aid=485>
- CEMAC. 1994. *Traité constitutive*. N'Djaména, March 16
- CEMAC. 2008. *Traité révisé de la Communauté économique et monétaire de l'Afrique centrale (C.E.M.A.C)*. Yaoundé, June 25
- CEMAC. 2008a. *Convention régissant le Parlement Communautaire*. Yaoundé, June 25
- CEMAC. 2008b. *Convention régissant l'Union monétaire de l'Afrique centrale (U.M.A.C)*. Yaoundé, June 25
- CEMAC. 2008c. *Convention régissant l'Union économique de l'Afrique centrale (U.E.A.C)*. Yaoundé, June 25
- CEMAC. 2009. *CEMAC 2025: Vers une économie régionale intégrée et émergente. Programme Economique Régional 2009 – 2015*. Volume 1: Rapport d'étape
- Decraene, Philippe. 1993. *L'Afrique centrale*. Paris
- European Center for Development Policy Management (ECDPM) and Performances Management Consulting (PMC). 2006. *Diagnostic institutionnel, fonctionnel et organisationnel de la CEMAC*. Tome I. Rapport Final
- Martijn, Jan Kees and Charalambos G. Tsangarides. 2007. *Trade Reform in the CEMAC: Development and Opportunities*. IMF Working Paper WP/07/137
- Meyer, Angela. 2006. *L'intégration régionale et son influence sur la structure, la sécurité, et la stabilité d'états faibles : L'exemple de quatre états centrafricains*. Paris/ Vienna. PhD. Sciences-Po/ Universität Wien
- Meyer, Angela. 2009. "Regional Conflict Management in Central Africa: From FOMUC to MICOPAX." *African Security* 2(2) : 158-174
- Ngolo, Pierre. 2010). *50 ans après les indépendances, 10 ans après Bamako: la situation de la démocratie parlementaire dans l'espace francophone*. Intervention at the 36th session of the Parliamentary Assembly of Francophonie. Dakar 6 – 8 July
- N'Kodia, Claude. 1999. *L'intégration économique: Les enjeux pour l'Afrique Centrale*. Paris

Taty, Georges. 2010. *Le recours en manquement d'état de l'article 4 du Traité révisé de la CEMAC: analyse critique*. Troisième Rencontre inter-juridictionnelle des cours communautaires de l'UEMOA, la CEMAC, la CEDEAO et de l'OHAHA. Dakar 4 – 6 May 2010

Terlinden, Ulf. 2004. *African Regional Parliaments – Engines of Integration and Democratisation?* (Hintergrundinformationen aus der Internationalen Entwicklungszusammenarbeit) Bonn

Wachira, George. 2004. *Linking Peace, Security and Regional Integration in Africa*. UNU-CRIS Occasional Paper

World Bank. 2003. *Document Final de Stratégie d'Assistance à l'Intégration Régionale en Afrique Centrale*. Washington DC



I D W

**INTERNATIONAL
DEMOCRACY WATCH**

INTERNATIONAL DEMOCRACY WATCH

C/o Centre for Studies on Federalism

Via Real Collegio, 30

10024 Moncalieri (TO) - Italy

Tel. +39 011.6705024

Fax +39 011.6705081

E-mail: finizio@csfederalismo.it

Web site: www.internationaldemocracywatch.org