

KABARAK LAW REVIEW

Call for Papers Volume 4 (2025)

An African Union fit for the next 25 years?

Reflecting on the first



Introduction

11 July 2000 marks a significant day in African history as the date of adoption of the Constitutive Act of the African Union (AU Constitutive Act).¹ This year, 2025, we mark twenty-five (25) years since adopting the AU Constitutive Act.



The AU Constitutive Act marks a consequential and unmistakable resolve, on the part of African states, to renew their social contract, as amongst themselves, but also – and this is the consequential change – with their peoples. The AU’s predecessor, the Organisation of African Unity (OAU) was, towards the turn of the 21st century, rightly criticised for its failures, especially as African peoples suffered egregious human rights violations and poor socio-economic life in the 1980s and 1990s.² The AU, and its Constitutive Act, was to be a fresh breath of life into the Pan-African conviction of lifting the dignity of African peoples, being the birthplace of the earliest advanced civilisations, which established intricate systems of transnational governance.³

1 Constitutive Act of the African Union, 11 July 2000.

2 Corinne A Packer and Donald Rukare, ‘The new African Union and its Constitutive Act’ 96 (2) *American Journal of International Law* (2002) 367-369.

3 Jeremy I Levitt, ‘Introduction - Africa: A maker of international law’ in Jeremy I Levitt (ed) *Africa: Mapping new boundaries in international law*, Hart Publishing, 2008, 3; Taslim Olawale Elias, *Africa and the development of international law*, Leiden, Kluwer Academic Publishing, 1972, 43.

Kabarak Law Review Volume 4, set to be published in December 2025, is dedicated to reflecting on these 25 years since the adoption of the Constitutive Act.

In spite of these 25 years, has Africa made progress towards realising her Pan-African objects? Is the African Union designed to serve these Pan-Africanist objects in the coming 25 years?



The paradigmatic shift

The AU Constitutive Act improves the continental social contract from that of the OAU Charter in a number of significant ways: human rights; collective peace and security; trade and economic integration; financial architecture; and strengthened regulatory frameworks. At the turn of the century, the AU led the redefinition of long established global norms such as state sovereignty, democracy, use of force law, and non-interference, alongside evolving approaches to protecting refugees and displaced persons in danger.⁴

Human rights and good governance

The OAU Charter famously never mentioned the term 'human rights' and only made two brief references to the Universal Declaration of Human Rights and the United Nations Charter, in its preamble.⁵ The AU Constitutive Act makes the promotion of

4 Levitt, 'Introduction - Africa: A maker of international law' 6.

5 Fatsah Ouguerouz 'The African Charter on Human and Peoples' Rights (1981)' *Max Planck Encyclopedias of International Law*, 2010, para 4.

human rights an explicit object, and function, of the new continental organisation. Pan-Africanism under the AU, at least on paper, now becomes more people-centric, and less state-centric.

Under the AU, the expanding corpus of law focused on the its commitment to promoting peace, democracy, and accountability has emerged.⁶ However, questions remain about the implementation of key structures envisioned in the Constitutive Act, bringing into focus the need for continued institutional and political reforms.

Collective peace and security

Additionally, Articles 4(h) and 4(j) pay homage to non-indifference as a critical component of the new AU ethos.⁷ The Constitutive Act allows member states to intervene in situations that may lead to grave violations and to restore peace and security. Global critiques often highlight the worry of whether the AU would have the ineffectiveness of its predecessor in implementing intervention mechanisms for peacekeeping and security. Questions still arise as to implementation mechanisms and parameters for implementation of 4(h) and 4(j).



6 African Union, African Charter on Democracy, Elections, and Governance, 30 January 2007, UNTS Vol 3267, Preamble.

7 Ben Kioko, 'The right of intervention under the African Union's Constitutive Act: From non-interference to non-intervention', 85(1) *International Review of the Red Cross* (2003), 822.

Financial architecture

The Constitutive Act envisions an AU that is self-reliant and capable of pursuing Pan-African objectives free from external influence.⁸ However, this vision has yet to be fully realised, The AU's reliance on external funding has been a double-edged sword.⁹ This reliance compromises the autonomy of the Union and its member states in both decision-making and the implementation of Pan-African solutions. As a result, concerns have been raised about the AU's capacity to achieve financial independence.¹⁰

Efforts to address this dependency have included the Kigali financing decision of 2016.¹¹ This reform has brought to focus a significant step towards financial independence, aligning with the Constitutive Act's principles of fostering collective self-reliance. Yet, its implementation has been inconsistent across member states, limiting its impact.

Trade and economic integration

Trade agreements like the African Continental Free Trade Area (AfCFTA) have expressed initiatives that compliment Article 3(i) which emphasise fostering intra African Trade to create a conducive environment for economic collaboration and development.¹² It has established the promotion and coordination of policies, programmes, measures and activities in pursuit of a common economic recovery strategy and the utilisation of Africa and her resources for her purpose.



8 Constitutive Act of the African Union, Article 4(k).

9 Nsongurua Udombana, 'AU institutional capacity to implement integration and the human security agenda' in Okumu and Atta-Asamoah (eds) *The African Union at 20: African perspectives on progress, challenges and prospects*, 2023, 89.

10 Udombana, 'AU institutional capacity to implement integration and the human security agenda' 89.

11 Udombana, 'AU institutional capacity to implement integration and the human security agenda' 89.

12 Constitutive Act of the African Union, Article 3(i).

The **sub-themes** of the 2025 focus on this 25-year milestone include:

1. The **historical evolution** of the Constitutive Act and its principles.
2. The **effectiveness of AU institutions** in implementing its objectives.
3. The **intersection of African regionalism** and South-South cooperation.
4. **Reforms and innovations** to ensure the Act remains responsive to emerging challenges.
5. Establishment of comprehensive frameworks with emerging lacunas such as **AI governance** in Africa, **climate change** and **international environmental law**, and **pandemic control**.
6. Comparative perspectives on **regional governance** and **integration of global frameworks**.
7. Reconciling the principle of **non-interference** and **the responsibility to protect** in implementing peace and security missions.
8. Financing the African Union through balancing self-reliance and external dependencies.
9. Strengthening the **peace and security** framework.
10. The impact of **global dynamics** and **external organisations** on the Constitutive Act's directives and objectives, in a rapidly changing global dynamic that may experience a shift to a multipolar world.
11. Actualising justice for Africans and peoples of African descent through **reparations**.

Kabarak Law Review therefore invites **original**, insightful contributions, especially inter-disciplinary studies, **reflecting on 25 years since the adoption of the Constitutive Act and anticipating the next 25 years** along the following categories:

Category A: Full-length articles (double-blind review)

These are scholarly pieces between **8,000 words – 10,000** words exclusive of footnotes. These contributions will undergo double-blind peer review twice conducted by scholarly peers who are independent of the Editorial Board. Deadline for submission is **30 April 2025**.

Category B: Short commentaries (single blind review)

- a. Honour Your Elders – this section involves tributes to African elders. This year's focus will be on Ali Mazrui, Jeanne Martine Cisse, and Tajudeen Abdul Raheem. The contributions are between **3,000 words - 5,000** words.
- b. Kianjokoma Brothers Tribute (Police Accountability Review) – this section commemorates the lives of Benson Njiru Ndwiga and Emmanuel Mutura Ndwiga (known as the Kianjokoma Brothers), who fell victim to police brutality on 1 August 2021 during COVID-19 curfew enforcement. It involves short commentaries of no more than **3,000 words** on various aspects of the law and politics of accountability for police brutality.

- c. Case notes and book reviews – this section features articles of no more than 3000 words reviewing a recent book or case of scholarly importance.

Submission guidelines

- All contributions must be the **original** work of the author(s) and must not have been submitted to any other publication for consideration.
- All submissions should be sent through the Online Journal System (OJS) accessible here <<https://journals.kabarak.ac.ke/index.php/klr/about/%20submissions>>. Should you have any difficulties using the OJS system, please contact the Editor-in-Chief, <kabaraklawreview@kabarak.ac.ke>.
- Contributions may be submitted in **English** or **Swahili** and should be edited for language before submission.
- The authors should adhere to the Kabarak Legal Citation Guide (KALCI) accessible here <<https://www.kabarak.ac.ke/kalci>>.

Review process

The full-length papers will under-go **double-blind peer review**. The short commentaries will under-go **single-blind peer review**. Authors are expected to incorporate the review comments, where necessary, and submit the revised paper by **31 August 2025**. Only the accepted papers at this stage will be published in the fourth volume.

Deadline for full length articles is **midnight of 30 April 2025**.

Deadline for remaining articles is **midnight of 31 July 2025**.

Please feel free to contact the Editorial Board to clarify any queries you may have on this Call for Papers at <kabaraklawreview@kabarak.ac.ke> email.

