Strategy Research Project
International Fellow

African Union: Towards Good Governance, Peace and Security

by

Lieutenant Colonel Didas Ndahiro
Rwanda Defense Forces

United States Army War College
Class of 2012

DISTRIBUTION STATEMENT: A
Approved for Public Release.
Distribution is Unlimited.

COPYRIGHT STATEMENT:
The author is not an employee of the United States government.
Therefore, this document may be protected by copyright law.

This manuscript is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

1. REPORT DATE *(DD-MM-YYYY)*	**2. REPORT TYPE**	**3. DATES COVERED** *(From - To)*
15-03-2012	Strategy Research Project	

4. TITLE AND SUBTITLE
African Union: Towards Good Governance, Peace and Security

5a. CONTRACT NUMBER

5b. GRANT NUMBER

5c. PROGRAM ELEMENT NUMBER

6. AUTHOR(S)
Lieutenant Colonel Didas Ndahiro

5d. PROJECT NUMBER

5e. TASK NUMBER

5f. WORK UNIT NUMBER

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)

Colonel Thomas Sheperd
Department of National Security &
Strategy

8. PERFORMING ORGANIZATION REPORT NUMBER

9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)
U.S. Army War College
122 Forbes Avenue
Carlisle, PA 17013

10. SPONSOR/MONITOR'S ACRONYM(S)

11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION / AVAILABILITY STATEMENT

Distribution: A

13. SUPPLEMENTARY NOTES

14. ABSTRACT

Good governance has emerged as a critical factor in the agenda for poverty reduction but it is also a development objective in its own right. Peace and security, on the other hand, can only be achieved in the context of good governance; and can only be genuine and sustainable if linked to economic development. Arguably, there is a close connection between the African Union (AU) and the prevailing security situation on the continent. Good governance, peace and security are indeed a key priority for the AU. The AU's success will itself depend as much on the security situation on the continent as on the continent's socio-economic and political situation. Africa, hitherto heavily dependent on foreign assistance, and known more for ongoing and lurking conflicts than for development, will have to rethink its approaches towards security of its peoples.

15. SUBJECT TERMS
Leadership, Democratization, Legitimacy, Accountability

16. SECURITY CLASSIFICATION OF:			**17. LIMITATION OF ABSTRACT**	**18. NUMBER OF PAGES**	**19a. NAME OF RESPONSIBLE PERSON**
a. REPORT	**b. ABSTRACT**	**c. THIS PAGE**			**19b. TELEPHONE NUMBER** *(include area code)*
UNCLASSIFED	UNCLASSIFED	UNCLASSIFED	UNLIMITED	42	

USAWC STRATEGY RESEARCH PROJECT

AFRICAN UNION: TOWARDS GOOD GOVERNANCE, PEACE AND SECURITY

by

Lieutenant Colonel Didas Ndahiro
Rwanda Defense Forces

Colonel Thomas Sheperd
Project Adviser

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

ABSTRACT

AUTHOR: Lieutenant Colonel Didas Ndahiro

TITLE: African Union: Towards Good Governance, Peace and Security

FORMAT: Strategy Research Project

DATE: 15 March 2012 WORD COUNT: 9,474 PAGES: 42

KEY TERMS: Leadership, Democratization, Legitimacy, Accountability

CLASSIFICATION: Unclassified

Good governance has emerged as a critical factor in the agenda for poverty reduction but it is also a development objective in its own right. Peace and security, on the other hand, can only be achieved in the context of good governance; and can only be genuine and sustainable if linked to economic development. Arguably, there is a close connection between the African Union (AU) and the prevailing security situation on the continent. Good governance, peace and security are indeed a key priority for the AU. The AU's success will itself depend as much on the security situation on the continent as on the continent's socio-economic and political situation. Africa, hitherto heavily dependent on foreign assistance, and known more for ongoing and lurking conflicts than for development, will have to rethink its approaches towards security of its peoples.

AFRICAN UNION: TOWARDS GOOD GOVERNANCE, PEACE AND SECURITY

The African Union (AU) has raised a lot of hopes and expectations both within and outside Africa. Yet, there remains a certain level of skepticism about its capacity to support the building of effective nation-states that embrace the principles of good governance, peace and security on the African continent. While good governance, peace and security remain individual state responsibilities, they constitute the main pillars of Africa's political stability and development and are the main objectives of the AU.[1] Therefore, building a solid and effective AU requires the commitment and political will of African national leadership to drive this process.[2]

Political stability itself requires strong state institutional capabilities to ensure continuity and orderly change. Strengthening political institutions may include the adoption of an acceptable constitution and other political rules, behaviors and practices that help underpin state capabilities.[3] Peace and security on the other hand, are realizable only to the extent that it transitions from thinking only about the security of nation-states to human security; when the security of people takes center place. This is further realizable only to the extent that those charged with the management of political, economic, legal and administrative affairs of their states embrace and practice good governance. Good governance requires the participation of central and local governments, civil society and private sector institutions. In general, a country will be said to have good governance if its public affairs are democratic, and to have bad governance where there is undemocratic management of its public affairs. Here democratic governance implies not only securing civil and political rights, but also the socio-economic rights and the physical security of citizens.[4]

The formation of the Organization of African Unity (OAU) was an effort to generate a collective response to the political and social-economic challenges facing Africa at the time.[5] However, the OAU was not able to realize this objective and Africa remained in a security crisis as it continued to be characterized largely by intra-state conflicts, endemic corruption, administrative incompetence and an inability to promote economic development.[6] Thus, although the OAU served its purpose of decolonization, it did not reflect the contemporary hopes and aspirations of the people of Africa according to changing times. Hence, its structure needed to be streamlined and updated with new institutions. OAU initiatives to resolve the African security crisis, coupled with the quest for African unity, economic and social development, paved the way for the birth of the AU.[7] The birth of the AU as an institutional evolution of the continent was presumed to establish and provide a platform for addressing multifaceted social, economic and political problems; and hence promote peace and security in Africa. However, challenges to this goal remain.

Most studies undertaken on the performance of the OAU, and later the AU, have tended to attribute Africa's failure more to colonialism[8] and the lack of pluralistic democracy *per se*, than on any crisis created by the absence of empowerment of the people, a lack of political and moral accountability of the leadership and their inability to grasp the need for collective security. It is the leadership that is accountable to its people that is best able to leverage the opportunities presented by the linkage between peace, stability and social-economic development. The purpose of this paper is to examine the challenges facing the AU that impede its desire to bring about good governance, peace and stability, and recommend solutions to enable it overcome these

challenges and make it more effective in achieving its good governance, peace and stability objectives.

The Strategic Context: OAU into AU

The OAU was established on May 25, 1963, at Addis Ababa, Ethiopia, with the signing of its charter by the heads of states and governments of 32 African states.[9] These heads of state pledged to promote the unity and solidarity of African countries, defend the sovereignty of members, eradicate all forms of colonialism, promote international cooperation with due regard to the UN charter and coordinate and harmonize member states' economic, diplomatic, educational, health, welfare, scientific and defense policies.[10] Many of these goals remained elusive as conditions of intra-state conflicts causing refugees, internally displaced persons, hunger, disease, civil strife, infrastructure breakdown and state collapse became common features of African countries; while good governance, peace and security continued to elude the continent.[11]

The AU, on the other hand, was launched at Durban, South Africa, in 2002 following the adoption of the Constitutive Act of the African Union at the 2000 Lome summit in Togo.[12] The AU is Africa's premier institution and principal organization mandated for the promotion of accelerated social-economic integration of the continent. It also aims at the promotion of peace, security and stability on the continent as a prerequisite for the implementation of the development and integration agenda of the Union.[13]

The AU's principles recognize good governance as a basic requirement for peace, security and sustainable political and social-economic development.[14] Unlike the OAU, it has the requisite constituent organs, including NEPAD and the African Peer

Review Mechanism (APRM),[15] which are supposed to help a quick realization of its goals and objectives. Thus, the AU has a broader scope and mandate than the OAU and a structure that has been designed with Africa's present social-economic and security challenges in mind.

There are a number of differences[16] between the OAU and the AU. The agreement in the OAU not to interfere in the internal affairs of member states has been superseded by a peer review clause in the AU permitting intervention in the internal affairs of a country under circumstances of war crimes, crimes against humanity and genocide.[17] Further, the OAU was silent on the issues of commitment to democracy and human rights. These two issues form the backbone of the AU. There are institutions in the AU responsible for these important goals. Additionally, the AU has special organs such as the Peace and Security Council (PSC) that makes decisions on the prevention, management and resolution of conflicts, an African Standby Force (ASF), the African Development Bank (ADB), a Court of Justice and the New Partnership for African Development (NEPAD) implementation committee that is composed of African heads of states.[18]

The OAU provided for the African Economic Community AEC) to be set up through a gradual process, which would be achieved by coordination, harmonization and progressive integration of the activities of existing and future regional economic communities as stipulated in the Abuja Treaty.[19] However, structurally the AU began by integrating itself with the African Economic Community and built other structures, consisting of a General Assembly that determines common policies,[20] the Executive Council that coordinates and makes decisions on common policies, the Pan African

Parliament that implements policies and the Court of Justice that ensures compliance with the policies. It also has the permanent representative committee that assists the Executive Council in substantive matters; the Economic, Social and Cultural Council, the financial institutions consisting of the African Central Bank and the African Monetary Fund as well as the African Investment Bank.[21]

Looking at the above events, one gets the impression that the continent has gone through a systematic and organized build up of governance structures. These continental structures, impressive as they may be on the surface, do not necessarily translate at the national level because of poor implementation strategies by the individual national leadership. On the contrary, the current Africa's governance landscape does not present a bright picture. Since the initial concept behind the OAU was one of union, one would not be misplaced to argue that the whole idea of the AU is just a return to the initial Pan-Africanist quest for political union.[22] It is a concept central in the minds of many African leaders despite the fact that its practical implementation has remained elusive for decades due to various historical, geopolitical, and internal weaknesses.

It is debatable as to whether Africa needed to change the name from the OAU to AU in order to address the concerns of Africa and whether the AU is better placed than its predecessor to bring about good governance, peace and stability. Clearly, without any qualitative change in the political and social-economic life of an ordinary African, the change from OAU to AU can be considered as having only been due to perceptions of OAU's failure than substance. Arguably, whether the AU will be perceived as just

another OAU largely depends on its ability to overcome its challenges, especially poor leadership.

AU Challenges

The AU faces a number of interconnected and interrelated challenges that are primarily rooted in the functioning of individual member states, which singly, or in total, serve to inhibit its effectiveness. The main challenges are poor leadership, dysfunctional states, lack of democratization and empowerment of the people, the interpretation and application of the principle of non-interference and non-intervention, a narrow view of national security, and challenges related to regional integration. Such is the burden placed on the AU to resolve. Each of these challenges is examined in detail below:

Challenges of Leadership in Africa

Central to the whole concept of the AU is the African leadership's long overdue realization, albeit reluctantly, that there can never be economic emancipation for Africa without democratic governance. In general terms, one may justifiably name African poor leadership as the single biggest problem on the continent. It is leadership failure that makes implementation of fundamental changes in democratic and economic domains difficult, leading to conflicts, poverty, corruption, as well as turning the state into the terrain for ethnic politics. The leadership, which ought to prevail over these calamities, is busy deconstructing national institutions paving ways for looting and cannibalization of their respective nations in the absence of transparency and accountability.[23] This proves to be a liability to the people, the nation and an inhibiting factor to the AU's ability to get its strategies implemented.

Indeed, the greatest danger a leader can ever inflict against his/her nation is the deconstruction or dilution of its institutions by centering them around himself/herself.[24]

Many African leaders, including Mugabe of Zimbabwe, Bashir of Sudan and Isaias Afewerk of Eritrea, have done exactly this for their own political expediency and survival. If the leadership hates transparency, accountability and democratic values, then who should know and nurture these values? There are several issues that contribute to the African leadership crisis.

The epicenter of the African leadership crisis centers on the leadership's refusal to obey and adhere to democratic principles. Here, democracy broadly refers to a form of regime whose legitimacy derives from the principle of popular sovereignty; namely that the ordinary citizens are equally endowed with the right and ability to govern themselves.[25] Hence abuse of democratic principles and poor governance in Africa has occasioned resistance, loss of legitimacy, and sometimes armed conflict, with a devastating effect on society.[26] In some cases, the leadership in Africa knows and respects no established law except that which advances its own personal interests, with national interests being incidental beneficiaries of established law.

Although some African governments are more representative than others, and while some deliver more tangible benefits to their subjects, the uncontestable fact is that the majority of governments are repressive[27] and exploitative of their citizen's ignorance, occasionally militarizing public roles and society for the purposes of securing unquestionable obedience. Most African leaders refuse to relinquish key institutional control and end up micromanaging institutions at the expense of the growth of these institutions and the country at large. This is evident in Sudan as well as in Zimbabwe.

Corruption is directly associated with, and almost synonymous with the system of personalized rule by some leaders in most African countries.[28] The leadership in Africa

cannot avoid blame for the rampant corruption in the entire social strata. Most regimes in Africa, deliberately conceive, give birth and nurture corruption for their own primitive accumulation and political survival. Cases in point are regimes of Mubutu of the former Zaire, Mubarak of Egypt, Qaddafi of Libya, the DRC under President Kabila, Mugabe of Zimbabwe and many others. Many African leaders claim to be determined to fight corruption and they do this by putting in place the various legal instruments and institutions. These are then not enforced. However, law *per se* does not eradicate corruption. Instead, the determined and operationalized will of the leadership to stamp out corruption, as it is happening in Rwanda,[29] is what effectively and drastically reduces corruption.

The main problem with most of the African leadership is exemplified in its lack of foresight and ethical values. Poor leadership in Africa has manifested itself in dictatorship and the ineffectiveness of political institutions occasioning abuse of power, privilege, and violations of civil and human rights, freedoms and liberties.[30] This has been brought about by a leadership that encourages extreme intolerance and brutality against dissenting opinions, showing no regard for the law or the upholding of justice and fairness in the political and social economic spheres, while promoting patronage of its survival.[31] The outcome of this poor leadership is the loss of legitimacy of the state. This greatly affects the AU's effectiveness due its heavy reliance on states to execute its programs. Delivery of the above values, a total sum of which add up to democracy, is not attainable without assigning the highest level of human dignity to the people. This is a rare case in most parts of Africa. Accordingly, leadership is the single most missing link in the African crisis leading to untold social-economic evils.

Challenges of Politics and the State in Africa

Like anywhere in the world today, the state remains the fundamental purveyor of security, yet in some African countries, the state often fails to fulfill its security obligations. At times it has even become a source of threat to its own people.[32] There is a close connection and interrelationship between the state and a political system. The political system has more or less the following functions: The generation of commonly shared ideas and objectives, the provision of the rules and procedures for leadership selection, the institutions, procedures and mechanisms for decision making, the establishment of mechanisms for articulation and aggregation of the interests that must be taken into account in the determination of public policy and the maintenance of order through the definition of the agreed upon and the effective enforcement of these rules.[33] It is the strict observation of the above established rules and procedures that forms the most effective guarantee for the preservation of a good political system.

However, these said functions and objectives cannot be realized without practical democratic institutions and procedures. There is a relationship between state capacity and democratic governance as a system of rule that maximizes popular consent and participation, legitimacy and accountability of political leaders and the responsiveness of the latter to the expressed interests and needs of the people.[34] Democracy will not flourish in Africa until political institutions perform their most fundamental duties in a reasonably efficient and predictable manner.[35]

While the modern era of liberal democracy and multilateral diplomacy has produced several political players, the realization of the said functions of a good political system is more of a state function than any other actor. Unfortunately for most of Africa, the state as it exists today is a colonial legacy where the colonial state was above all an

elitist and over centralized military state.[36] Even after liberation, authority is still highly personalized, shaped by a political leader's preferences rather than any codified system of laws.[37] As a result, very few would genuinely dispute the existence of a crisis of confidence between the state and society in Africa brought about by unpopular laws, their brutal enforcement, political intolerance, human rights abuses, corruption with impunity, lack of accountability, and the deepening of the political and economic crisis.

The dignity of the African values and cultures, which was first hijacked by slave traders and later by colonialism, has never recovered. This is especially due to the problem that the post independence African crafted state literally represented and extended the authoritarianism of the colonial state.[38] After independence, the African state was meant to rethink, redefine and craft a framework of governance based on African historical and cultural values. Instead, the post colonial state inherited and opted to perpetuate an authoritarian state without dismantling the repressive colonial machinery used to quell aspirations for freedom.[39] Therefore the state and political leaders can be held accountable for the failure of development agenda.

State capacity is also based on the legitimacy of its political leaders.[40] Such legitimacy requires that the state be founded on constitutionalism and democracy. Political leaders should themselves be legitimate in the sense that they should be elected through free and fair elections organized by an independent institution, representative of all parties, and not subject to the government of the day. Most African political leaders use their parliamentary majorities to subvert their constitution, outlaw opposition to one party systems and become President for life by dismissing the concepts of democracy as alien. In many cases, states have no respect, even for their

own laws, where shifting the goal posts become the norm rather than exception, while manipulating legislation to limit and debar political opposition.[41]

The survival of the state in Africa is increasingly undermined by the wide range of threats and the negative measures being undertaken by leaders to preserve their uncompromising hold on power.[42] Under the existing circumstances, the emergence of viable states with the ability to provide the requisite functional political structures to guarantee constitutional democracy is grossly undermined. The African experience has demonstrated that state capacity cannot be reinforced through benevolent dictators or by an authoritarian developmental state.[43]

Thus, instead of blaming it on the era of colonialism and the unfair international system, the blame lies with the state and African leaders whose fantastic rhetoric does not translate into the deeds needed to meet popular expectations. To be effective, state building has to take into account not just building of the state institutions, but also the complex nature of socio-political cohesion, or what is referred to as nation building.[44] Hence African states need to be reconstructed by Africans themselves in order to reinforce their capacity. Such is the political system and the state in Africa. Arguably, the AU cannot be functionally effective while composed of dysfunctional states.

Challenges of Democratization and Empowerment as a Foundation of Democracy

Democratization involves the construction of participatory and competing political institutions.[45] The establishment of competing political institutions is thus a foundation for democracy and transfer of power. In Africa however, there are mixed views as to the relevance of competitiveness of political institutions, especially when it occasionally promotes conflicts during democratic practice. In the pluralist view, the competing interests results in conflicts between opposing groups.[46] However in genuine democracy

the conflicts are channeled into and are contained in institutional patterns. This phenomenon further reinforces the linkage between weak institutions and poor leadership in Africa that fails to create or otherwise tear down existing nonfunctional institutions. Normally, the recurrent free and fair elections based on constitutional procedures and such firm democratic institutions provide the necessary hope and reassurance to the would-be losers rather than opting for violence. The key thing these institutions do that persuades losers not to revert to violence is that they assure them that they can win next time and that there will be a power transfer to them when they win.

Elections, if fairly conducted, serve as a very strong bridge to democratic governance because they help build the requisite legitimacy, trust and confidence between the leaders and the led.[47] Unfortunately for most of Africa, elections are a sham;[48] hence the absence of legitimacy and the violent counter reactions that result. Poor leadership plays a role here as well. Africa's total absence of virtue is exemplified by the tenacious refusal to accept electoral defeat by the leadership at all levels. That is why it is not uncommon for a leader, who has only met 30% of his electoral pledges like Mugabe,[49] to seek yet another mandate on the excuse of fulfilling the rest of the unfinished program. In essence, the proffered social contract[50] against which the leader won the peoples' mandate has been breached, if it had ever been created in the first place. This constitutes an example of personalization of the state by some leaders in Africa.

Democratic ideals suggest that the people should be the rulers of themselves. This implies that the people should determine their destiny and that of their society.

Unfortunately, due to low social empowerment as a result of centralization of power, very few Africans appreciate the fact that rigging an electoral process undercuts the ability to determine their own fate. This is because to many ordinary Africans, their role in elections begins and ends with casting of votes. Many ordinary citizens view voting as a privilege, instead of an inalienable right. Electoral malpractices, conducted by the incumbent politicians, which might not be detected by an ordinary African include constituency boundary drawing and adjustments, which is normally done by the regime in power well ahead of elections to disguise the intent. Others are voter register manipulation and use of government structures or public service allocations as venues for rallies. Sometimes even state instruments like the police and the military are used to favor the incumbent political leaders and marginalize others through the intimidation of opposition candidates and independent electoral returning officers. The monopoly of public media houses and many others are also examples of electoral malpractices aimed at providing an unfair advantage to those in power over others.

For democracy to flourish, the constituent society has to be actively involved in the political and social-economic management of its affairs.[51] But the people cannot be actively involved when they are not empowered to ably differentiate between their rights and privileges. They need to be educated about their role in determining their own destiny and their contribution to good governance, peace and security. Perhaps one can argue that this remains one of the areas where Africa performs far below standards. This is not because the African leaders don't know what to do, but rather they do the opposite based on the selfish interest of remaining unchallenged, with the ultimate intention of remaining in power. Arguably, the most urgent requirement for African

democracy is the empowerment of all strata of society, starting with the most traditionally marginalized groups, like women, children, the disabled and the youth.

Clearly there is a gap between the AU's aspirations for democratic governance and its ability to enforce its democratization policies on individual states. This is because the majority of the African people are unaware of these AU policies and objectives. This implementation gap subjects the observance of rule of law to manipulation by the leadership of individual states.[52] This happens as people continue to be oppressed, although some may elect to challenge the incumbent government through violence and disruption, which the AU is trying to discourage and stop by merely treating the symptom of ignorance resulting from lack of empowerment. The AU may talk of democratization, but how and by whom? The fundamental issue here again is the empowerment of the African population by national leaders. Again, the AU's effective performance is affected by the ability and will of individual state leaders.

Without the deliberate empowerment of society with the difference between peoples' rights and privileges, without a strong feeling of job security, and without the professionalism of security forces, the manipulation of democratic processes by regimes will always sail through with ease. This is because the few informed people fear to rise up their heads out of the concern for the consequences of being socially and economically starved. The private sector in Africa is still too small and too weak to make a credible impact with respect to empowerment of the population. On the other hand, civil society,[53] which is the most active sector for empowering people on the continent, is viewed by most African governments as an extended arm of foreign powers because, in most cases, it is disengaged from and does not offer unquestionable support to the

incumbent regime. Thus, without empowerment of local leaders, the private sector and civil society, the ordinary population is left at the mercy of ambitious politicians.

The most effective guard against the abuse of power lies in the empowerment of citizens, with the knowledge of their basic rights, their roles, obligations as well as limitations of governments. The AU ought to be focused on designing strategies through its institutions, like NEPAD and APRM, that assist member states on how to arm their people with the knowledge and confidence to enable them determine their own destiny.

The Challenge of Non-Interference and Non-Intervention Principle

The principles of non-interference and non-intervention have mostly benefited regimes and their key supporters. It may be argued that the UN and OAU charter provisions on sovereignty, territorial integrity, non intervention[54] and non interference of member states[55] in another state insulate the ruling elites to the detriment of the citizenry. Repressive regimes are aware that those they oppress can expect no Good Samaritan to come to their rescue. This is because repressive regimes effectively use these principles to resist outside pressure on issues of gross abuses of human rights. Well aware of this protection, many African regimes have violated the fundamental human rights of their citizens by unleashing terror by way of instituting widespread massacres and even genocide. This happened in Rwanda and Libya and continues to happen in Zimbabwe, Sudan and other African countries.

The magnitude of human suffering across borders has increased the debate on the necessity and legality of intervention. The most readily available answer to those concerns has always been that the principle of state sovereignty, territorial integrity, non intervention and non interference in any other country's internal affairs form part of international law and prohibit would-be willing nations from acting.[56] Further, any forceful

intervention into one state by another must, of necessity, be approved by the UN Security Council lest it violate international law. Given that the AU Constitutive Act[57] seems to reemphasize the same provision, it casts doubt on the AU's ability to act in the face of the challenge of human rights abuses in Africa and consequently, questions the AU's ability to embrace stability and development.

This shortcoming is used to the benefit of African ruling elites. This is perhaps the very reason why the debate on abuses follows a familiar and regulated script. These human rights abuses may not be in mass, or against selected individuals, in large enough numbers to be tantamount to crimes against humanity and genocide. Instead they are just enough to suppress the rise of alternative leadership and prevent the effective transfer of power. For example, the debate on systematic killings in the Darfur region of Sudan has been centered on the semantic question as to whether or not it qualifies as genocide despite tens of thousands of dead.[58] Similarly, the Libyan opposition had to rely on the mercy of Western powers, as many African leaders were shying and hiding away from the bitter truth of a state's brutality against its own people in the form of gross violations of human rights. Instead, in an attempt to find a solution to the Libyan problem, some African leaders seemed to side with the crumbling regime of Muammar Gaddafi. Only a few clearly came out in support of the opposition's Transitional National Council.[59]

The African problem is not a military issue, but a political and socio-economic one. The solution demands realistic principles of transparency and accountability, both of which are clearly lacking. Currently the AU Standby Force (ASF) is not likely to be used to prevent human rights abuse due to the leadership's fear of setting precedents

that could be used against them. Under the circumstances, it is unlikely that intervention based on human rights abuses and violations will be sanctioned against an incumbent regime. This was evidently the case in Libya and continues to be the case in Sudan, Eritrea and Zimbabwe. In short, the AU's intervention provisions, as well as the African Standby Force, do not address the real priority issues of the continent. Instead they address the effects of human insecurity in the form of conflicts.

The reason for this failure to address Africa's priority issues is found in the nature of African leaders that is rooted in the malfunctioning of individual states. This prevents the AU General Assembly[60], as well as the individual Commander's in Chief, from sanctioning the involvement of their respective part of the standby force to engage a sister nation. The privileging of non-interference and non-intervention over human rights therefore makes the AU a weak institution with respect to addressing the issues of human rights abuse.

Challenges of National Security Viewpoints

Insecurity has remained a feature of much of Africa warranting different definitions and approaches to resolve this dilemma. A number of African governments have often failed to analyze national security as a composite of diverse human concerns, multiple actors and multiple sectors, each of which require equal attention. To make matters worse, some of the leaders in Africa have stubbornly refused to notice that threats to national security are more intrastate than interstate based. These threats require less of a military than a political solution. Such poor analysis of national security threats leads to the design and implementation of faulty policies and strategies. In real strategic terms, many governments have, by over concentrating on the military at the

expense of the other sectors and other elements of national power[61], such as the economy, diplomacy and democratization, undermined state stability and development.

The concept of human security is highly contextual. For some, human insecurity comes from the loss of guarantee of access to jobs, health care, social welfare or education. For others insecurity stems from violations of human rights, extremism, domestic violence, spread of conflicts or displacement.[62] While there is no consensus as to the exact definition of the term, human security goes beyond the traditional notions of security to focus on such issues as development and respect for human rights. Human security responds to threats to individuals and communities as its focus. Threats can be to their survival (physical abuse, violence, persecution, or death), to their livelihoods (unemployment, food insecurity, health threats, etc) and to their dignity. Human security, in its broadest term, therefore means freedom from want, freedom from fear and a life of dignity.[63]

Thus, to some the concept is analytically weak since it introduces many variables that are not necessarily linked together. To others, human security concerns should be limited to situations marked by the threat or outbreak of violence. But for those who favor the above broad a definition, human security provides the means to assess the root causes of intrastate conflicts. In so doing human security policies focus on social and economic issues as they affect the individual. Thus, poverty, for example, is conceptualized as a human security threat. Not only because it can induce violence which threatens stability the state, but because it is a threat to the dignity of individuals.[64]

Failure to appreciate and squarely attend to the human security based national security concerns tends to encourage disapproval, discontent, insurgency, militarism and the total rejection of the government of the day. This creates real and perceived threats to the regime. Under the circumstances, the emphasis of national security shifts from protection of the state to the protection of the regime. In essence, the leaders go down the military route simply due to their focus on maintaining power. At that level, even military institutional professionalism is sacrificed to ensure that the regime is retained in power at all costs. This continues the cycle of resentment and insecurity in the long term.

Some African governments seem to take the realist view of security, where security is associated with only survival of the state.[65] With national security acquiring new and broader dimensions and definitions, some national militaries are willingly and forcefully vacating the political field for those best suited for it.[66] What most armies on the continent have yet to acquire is the professionalism and the capacity to steer clear of manipulations by politicians so as to disengage from the abuse and political scheming of some incumbent regimes. With the exception of few cases, such as the Kenyan Army during the 2007 post-election violence, the army is yet to justify its national outlook by practically proving that it is professionally and morally upright and beyond the manipulation of partisan interests.[67] Therefore, along the sad obsession for power, the common tendency in contemporary Africa has been the leadership's conception of security from a militaristic point of view. This constitutes a huge challenge for the AU as it undermines the achievement of its socio-economic objective.

Challenges Related to Peoples' Demands

During the independence struggle, nationalism was primarily limited to the elimination of outright foreign political domination and securing political independence. As a result, an indigenous ruling class that is far distanced from the population emerged in post independence Africa.[68] Consequently, as Claude Ake argues, there are strong revolutionary pressures against existing the ruling class.[69] Ake further states that the African people are essentially demanding two basic things from their governments. The first is equality, meaning the abolition of a privileged class that unfairly ascends politically and economically at the expense of the ordinary citizen. The second is social well-being, which relates to easing the agony of extreme want, which forms part of human security mentioned earlier. He observes that, unfortunately, neither of those revolutionary demands will be met or granted by the African ruling elite because they cannot react favorably to revolutionary pressures without committing class suicide.[70]

Under these circumstances, the most available option of curbing such demands, while effectively preventing their political manifestation, is depoliticization of society. The basic manifestation of depoliticization in Africa is the preaching and repressive enforcement by African regimes of a one party state ideology. In Ake's view, "every African country is in effect a one party state in the sense that every regime in Africa assumes its exclusive right to rule and prohibits organized opposition, moreover, given the contradictions in contemporary African society, depoliticization cannot be carried out without brutal oppression".[71] Although Ake wrote this in 2000, it describes the extreme end of the spectrum that serves to challenge the AU's goals because, to some extent, this situation persists. The AU is thus faced with the problem of partnering with weak sovereign states in addressing the question of meeting peoples' demand in Africa.

However, today, some African leaders, in partnership with the AU commission, have come to terms with the causes and effects of underdevelopment and have ignited pro-democratic initiatives in response, like those pursued by the AU itself.

In other African countries, even with the establishment of a legal framework for a one party system, instability has persistently remained basically because the fundamental basis of the differences in society remains unattended. This accounts for the pressures that have built within and outside governments resulting in violent social tensions. With the intensity of violence rising, rulers are tempted to employ brutal coercion, further widening the gap between the privileged and the under-privileged, between the oppressors and the oppressed which causes social uprising such as the Arab Spring, or at worst military intervention.[72] Hence, failure to satisfy peoples' demands constitutes an enormous challenge to the AU's effectiveness.

Challenges of Regional Integration

Greater African unity has long been a cherished, but elusive, goal for OAU then and the AU now. Pan-Africanism is an expression of continental identity and coherence which distinguishes regional integration in Africa from other regions in the developing world.[73] Regional integration can be seen as a rational response to the difficulties faced by the African continent with many small national markets and landlocked countries. With the formation of AU there has been a renewed impetus to establish closer economic and political ties among the continent's many countries, based on heightened appreciation of the need for regional integration and a clear understanding of the reasons for past failures. This has been evident, for example, in the resumption of East African Community which had literally collapsed by 1979.

However, the challenges facing the drive for integration constrain the AU and its ability to get at the central issues in Africa.[74] These challenges and obstacles that impact on the effectiveness of the AU and its associated Regional Economic Communities (RECs) include the development of enhanced trade among African countries, lack of roads and other infrastructure, the need to reform regional economic institutions, the need for greater accountability and popular involvement, and the need for closer coordination of efforts by the public and private sectors.[75] Inter-institutional rivalry and competing aims also play a major role among these organizations.

These challenges are not restricted to Africa. These same challenges exist, or existed in Europe. However, the EU's multiplicities of regional and institutional rivalries are mitigated through a stable democratic framework.[76] Africa still lacks such a framework, and the degrees of differences are greater. In the case of the Eastern African Standby Force (EASF) for instance, the membership of Sudan, Somalia, Ethiopia and Eritrea result in a largely dysfunctional organization,[77] contested international recognition, and internal political and military conflict. This also serves to inhibit the AU's ability to achieve its security goals or perform its security functions.

Another factor hampering regional integration is when national identities and priorities, or personal power politics, hold sway over regional decision making bodies, especially if a leader or economically powerful country believes it has more to lose than gain from regional priorities. Here too, the leadership problem again comes into play. The internal capability of the AU and its affiliated RECs also vary considerably. For example, RECs such as the Southern African Development Community (SADC), the East African Community (EAC) and the Economic Community of West African States

(ECOWAS) are considered more developed than their counterparts, such as the Economic Community of Central African states (ECCAS), the Economic Community of Great Lakes region (CEPGL) or the Community of Sahel Saharan States (CEN-SAD).[78] Besides, all organizations suffer from financial resource constraints[79] and sometimes lack the human capacity to absorb security assistance programs extended by developing nations.

Overcoming the African Challenges

Despite the above mentioned challenges, the transformation of the OAU to AU has yielded a couple of structural benefits with respect to Africa's security architecture. The OAU was steeped in Westphalian notions of sovereignty, where Africa's heads of states pledged non interference in each other's internal affairs.[80] The result was an organization that maintained and tolerated dictators, such as Uganda's Idi Amin who was the head of the OAU in 1975, and Zimbabwe's Robert Mugabe, who headed it in 1997. The AU's constitutive Act now defines sovereignty in the conditional terms of a state's capacity and willingness to protect its citizens (the principle of responsibility to protect). This shift from regime security to human security goes even as far as to recognize the AU's right to militarily intervene in its member state's affairs.[81]

Along these lines, the AU is developing a comprehensive Africa Peace and security architecture (APSA)[82] that aims to prevent, manage and resolve conflicts, and support peace building. Central to APSA is the peace and Security Council (PSC), the central AU decision making body. The PSC oversees the resolutions and management of conflict, and its powers include the ability to order or call for peace and support missions, impose sanctions, and militarily intervene in a member state as a last resort. Additional conflict resolution organs in the AU include the Continental Early Warning

System (CEWS), a Panel of the Wise and an African Stand by Force (ASF). Once fully operational, the ASF will serve as a permanent African peace keeping force. This emphasizes the idea that, despite the aforementioned challenges, the AU's institutional framework for action exists provided there is political will on the part of the leadership to do so. As such, the AU militarily intervened in Burundi (2003), in the Darfur region of Sudan (2004) and Somalia (2007). This illustrates the fact that due to the existence of genuine African leaders, bad leaders cannot walk back the growing effectiveness of these mechanisms; all they can do is delay it.

Another distinguishing feature of the AU's relevance towards overcoming its obstacles is the intensive cooperation it has with the Regional Economic Communities. The AU sees regional trading blocs not as competitors, but as essential building blocks and implementation agencies for its programs.[83] By basing its security architecture on these regional pillars and incorporating existing initiatives into its continental policy, the AU profits from the region's comparative advantage where countries have vested interests in regional stability, greater understanding of the local environment, and increased legitimacy. Under this approach, the primary responsibility for peace and security remains squarely with RECs, while the AU serves as a legitimizing clearing house and framework for all initiatives.[84] Some examples of the beneficiaries of this comparative advantage include ECOWAS as it dealt with Cote d'Ivoire's Gbagbo, and the Transitional National Council (TNC) in Somalia.

Military coups and other governance related issues, such as election related violence, constitute a setback for the democratic process in Africa.[85] Yet these happen at a time when the AU is striving to fine-tune its relevant mechanisms and policy

instruments to address what have been identified as the major sources of the dysfunctionality of the post colonial African state. The Lome Declaration of July 2000, the Constitutive Act and the African Charter on Democracy, all identify elections and governance as the three main continental instruments that guide the AU's position on Unconstitutional Change of Government (UCG).[86]

The AU's response to recent coups, with the temporary suspension of Mauritania's and Niger's membership in 2008 and 2010 respectively, suggests that this policy has been internalized, although unfortunately the policy itself has not defined fraudulent elections as an UCG.[87] Also significant is the extent to which multiparty elections are becoming accepted as the "only game in town" by Africa's political elite as reflected in AU's involvement in the negotiation processes following disputed elections in Kenya, Zimbabwe and Cote d'Ivoire.[88]

That being said, it is acknowledged that more can still be done to strengthen the preventive effect of the policy on UCG, particularly since the bad governance of sitting leaders, which is persistently cited by coup makers to justify their actions, is still prevalent on the continent. One could argue that the policy can still be effective provided the AU takes a decisive stance against all attempts at auto-legitimization by coup-makers.[89] Notwithstanding the promising prospects of voluntary democratization on the continent, it is necessary for the AU to think about ways in which some planned and predictable human intervention can be instituted, so that UCGs can be avoided.

One of the areas that seems fertile for such an intervention by the AU is the provision of presidential term limits found in the constitution of most African countries. This appears to be a very veritable instrument for facilitating leadership peaceful

transfer of power on the continent, but is also the field of much constitutional manipulation by sitting Presidents intent on elongating their stay in power.

The Way Ahead: An Empowered AU

African integration is the only viable long term solution to African problems and the AU should endeavor to achieve this overarching goal. Africa must unite, not simply to enhance the continent's weight in global affairs, but to meet the very needs of its people, to improve their lives. The advantages of integration are many. Wider regional markets can open up more opportunities for African producers and consumers, beyond the small markets within their own borders. Pooled resources can reduce the costs of developing essential infrastructure, including transport, communications, energy, water systems and scientific and technological research, which often lay beyond the means of individual countries.

In this way, the human development aspect of Africa's challenges would be dealt with. However, the AU's moves towards integration will largely depend on reforming its existing regional institutions. This includes not only opening them up to greater participation by civil society groups and local business interests, but also streamlining the continent's multiplicity of organizations. Therefore, the AU, once given authority, needs to design policies that minimize the current duplication from regional organizations.

The AU, as an African premier institution, has a role to play in fostering social-economic development in Africa. While the Constitutive Act is not a perfect document (it cannot satisfy all stakeholders equally), it nonetheless provides a political and legal framework for building an effective AU. Evidently, there is a reasonable level of commitment from some member states; otherwise the organization would not have

survived to this date. In order to build on that commitment, the AU commission needs to design policies and strategies that are aimed at exerting more pressure on all member states to encourage them to take more courageous steps towards building an effective AU.

The following issues need to be addressed in order to make the AU relevant to its solutions. The General Assembly should provide the AU commission, and its organs, with powers, which can enable them deal decisively with contemporary challenges in the interest of the African people. The powers and functions of the various organs should be further strengthened and well articulated to be consistent with the bold objectives and principles contained in the Constitutive Act. In short, its organs should be entrusted with the necessary authority and powers to be able to accomplish the mission assigned to them by the General Assembly.

If the objective is to transform the AU into a more effective institution, it is important to note that the issue of sovereignty is at the core of this drive and has to be honestly dealt with. The AU commission should suggest the pooling of sovereignty in some specific areas for a start. Areas such as the fight against pandemics, food security, education and external trade deserve to belong to the community domain. The community domain should be under the direct control of the General Assembly, which can delegate its powers to the AU commission. This would enable the AU to make a difference in the aspect of human security for the African people. In these areas for example, AU member states cannot make any difference individually, while by pooling their sovereignty, they can leverage strength to have a positive impact to an ordinary

African. In short, in order to make AU more effective, the issue of pooling sovereignty has to be seriously considered.

Further, pooling sovereignty would serve as a roadmap towards the transformation of the AU into a union of African states. Essentially, this proposal is a compromise between those who want an accelerated transformation to a union government and those who are looking for a gradualist approach towards this transformation. What this would basically do is create secretaries with various responsibilities for addressing human security issues like pandemics, hunger and strengthening of democratic institutions at the continental level. However, it would still fall short of transforming the AU into the United States of Africa.

The argument here is that this new structure would enable the AU to strengthen itself by building up the structures it needs to become more effective in terms of its ultimate objectives of a union government with funded portfolios in the areas of defense and foreign policy. In this way, dysfunctional states would neither negatively impact on the design of overall continental policies and strategies nor be able to stand in the way of implementation. Besides, the mentioned challenges would be better handled holistically and uniformly over the entire continent.

The AU commission, through the use of an empowered civil society, ought to break the chains of conspiracy between national leaders. The continental body must develop the courage to identify an oppressive regime and be bold enough to isolate that particular ruling clique where its political and corporate governance standards are sub par. The AU, just like the EU, should actually condemn and belittle such primitive

regimes while mobilizing the very governments and locals to work towards civilized governance as a criterion for joining others in development.

The AU has a good record of such developments. Its future silence in the face of remorseless state internal affairs[90] and national security at the expense of human rights will only amount to the commercial puff of repackaging the OAU product into the AU with no substantial value added. The AU therefore has to design a special mechanism that will empower civil society to access and educate society about its rights and roles, and about governance. Hence, without proper empowerment, there cannot be rule of law. Such law is occasionally manipulated and a hoax not intended for the general good that can result in socio-economic development but rather is intended to ease the life of rulers by making it practically impossible to challenge them.

The difference between African and other progressive democracies is not found within their corresponding statutory institutions, but rather in the difference in the functions and capabilities of these institutions.[91] In Africa, even in a success story like Ghana for example, various shortcomings remain evident, including excessive executive and presidential control over oversight institutions; pervasive corruption among bureaucrats and politicians; the marginalization and under-representation of women in political society and rising inequalities amidst economic growth and poverty reduction.[92] Judicial authority is given very little autonomy to protect some legislation and rights resulting in institutional breakdown.

Accordingly, the AU should use the PRM not only as a participatory and corrective mechanism to good governance, but as a censor and early warning mechanism against the onset of actions that could undermine the democratic processes

to endanger stability and prosperity. This should entail the development of an adequate, credible, collective and possibly international response to ensure that leaders who are tempted to threaten and undermine the democratic process are quickly and decisively dealt with in the most appropriate manner.

With transparent and accountable leadership being Africa's most required variable, the AU and its agencies like NEPAD should, as a precautionary and remedial measure, seek the backing of the UN to formulate and standardize best leadership benchmarks based on the rule of law and respect for human rights. In order to check the selfish and greedy tendencies of leaders, the AU should legislate and make it an international standard rule to criminalize any business investment and financial banking outside the home country by any top leadership of a regime. Private individuals already with investment outside their home countries should, as a norm, disqualify themselves from seeking public offices.[93]

Political corruption, failure to peacefully transfer power and other democratic process violations should promptly attract individual sanctions against the errant top personalities of a regime. The suggestion being made here is for the AU to ensure that term limits are strictly adhered to in all countries that have them in their constitutions. The AU should also get those that have abolished term limits, like Uganda, to restore them, and strive to persuade and eventually coerce those that do not have them to adopt them into their constitutions. Fortunately, Article 23 (5) of the Addis Charter provides a policy framework to ensure the first step. Again, the AU institutional framework to effect change exists, but this is subject to political will and commitment of individual national leaders.

Leaders with questionable political, social-economic or human rights record must be rejected and isolated within the AU region. Criminal sanctions should be internationally invoked without according them any status, facilitation, protection or audience in any decision making forums across the world. The AU should ensure the practice of constitutionalism, entailing the peoples' values, ideals, fears and aspirations in terms of transparency and accountability as a basic measure of good governance because political and social-economic stability should be strengthened and adopted as an international norm. Constitution making processes should be insulated against potential manipulation by providing that those undertaking the process should play no active political or administrative role in the post constitutional period for not less than two electoral terms.

In the long term, there is need for universal efforts toward Africa's democratic and corporate governance for its stability and prosperity. Accordingly, the need to address the question and quality of leadership in Africa is critical. It follows, therefore, that the rediscovery of Africa lies in the development of the critical mass with a new generation of leadership that is able to face contemporary challenges. The AU commission, through its organs should design measures to assist the African leadership to see politics as a service over a specific period beyond which it ceases to have any positive impact and literally becomes a public liability.

Such measures may include strict observance and enforcement of term limits, instituting regional accountability and transparency benchmarks and taking uncompromising action against corrupt government officials. These measures should bear an inherent ability to be enforceable. The adoption of this strategy would be an

initial step towards realizing the AU's objectives and addressing the issues of good governance, democracy and human rights protection.

Conclusion

Africa faces a number of interrelated social, economic and security challenges. A holistic and integrated approach embodied in sustainable development is Africa's most promising path forward. The contemporary African challenges to democracy, stability and economic emancipation required a new approach that the OAU could not offer. But these challenges did not require the renaming of the Africa's supra-national organization from the OAU to the AU. An amendment of the supreme organ's scope and mandate would have sufficed.

Overcoming these challenges cannot be the work of only individual nations. These challenges require communities of nations under the AU, institutions and peoples working together. To solve the problems facing Africa, we need an effective AU. To transform the AU into an effective organization is the biggest challenge facing African leaders. Development of leaders capable of undertaking this noble task requires an enabling environment characterized by democracy, empowerment of the population and rule of law.

Therefore, the AU's objective of achieving good governance, peace, stability and economic development lies in the urgent need to make the AU a more effective organization that is capable of supporting the process of developing competent national leaders. Here competent leaders refer to those that are accountable to their population and are ready to embrace democratic principles. The real and potential challenge to the operationalization of the democratic principles lies with empowerment of the African people, leadership transparency and accountability, and availability of information on

the design and implementation of economic policies. The AU has a big role to play in strengthening of political institutions as it does in designing policies and strategies for fighting political corruption.

Transforming the AU into an effective continental organization may not be possible if its organs are not given substantial authority to deal decisively with the contemporary challenges facing the continent. However, the AU's authority is closely related to individual state sovereignty because, in the absence of authority to AU organs, the policies designed may not be implemented. The AU may design good policies, but if they are not implemented, the continent is no better than without them. AU organs will not have ample authority if individual countries are not ready to surrender some of their sovereignty to the AU pool of authority. Yet, decisions to pool sovereignty will be taken by national leaders, the same national leaders who are expected to be competent. Failure to surrender some of the sovereignty will continue to make weak states even weaker due to small resource base. This is the cycle of trade-offs that the AU must break and overcome. In short, the AU needs to build national political will to pool sovereignty by actually strengthening and building legitimacy and sovereign capacity of individual nation-states.

The lack of peace, order and stability in many African countries are formidable obstacles to good economic planning, capital inflow and economic growth. Central to all of this, however, is the issue of leadership. It is the leadership that makes priority choices through the rationalization of available options. But the leadership is born from the population. Leaders, however willing and capable they are, cannot govern the population alone; they need to be assisted by the people themselves. Therefore, when

the population is not empowered to guide and engage with leaders, the result will always be poor and un-assisted leaders, resulting in poor governance and instability.

Good governance, economic growth, peace and security are the core areas of focus for the AU so as to create the required enabling environment for peace and development. While all three core areas present unique challenges, opportunities and responsibilities that must be addressed together, they must be the work of both individual nations and the AU. Striking the best fit that ensures the harmonious implementation of policies aimed at overcoming these challenges by individual states on the one hand, and the AU on the other, is the AU's greatest challenge; albeit a surmountable one.

Endnotes

[1] African Union Constitutive Act, art. 3, sec. g.

[2] Gabrielle Lynch and Gordon Crawford, "Democratization in Africa 1990-2010: An Assessment", *Democratization* 18, no. 2, (January 5th, 2011), 275-310.

[3] Michael Bratton and Nicolas Van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective (*Cambridge, UK*:* Cambridge University Press, 1997), 8-9.

[4] Lynch and Crawford, "Democratization in Africa 1990-2010: An Assessment", 275.

[5] The Organization of African Unity Charter, art. 2.

[6] Pierre Englebert, *Africa: Unity, Sovereignty and Sorrow* (London*:* Lynne Rienner Publishers, Inc, 2009), 41-44.

[7] The African Union Constitutive Act, art. 3, sec. c.

[8] Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (New Jersey: Princeton University Press, 2000), 58.

[9] Organization of African Union Charter, art. 1.

[10] Ibid., art. 2, and 3.

[11] Englebert, *Africa: Unity, Sovereignty and Sorrow,* 41-44.

[12] The African Union Constitutive Act, art. 2.

[13] Ibid., art. 3.

[14] Ibid., art. 4.

[15] Ibid, art. 5.

[16] Ibid.

[17] The African Union Constitutive Act, art. 4, sec. h.

[18] Ibid., art. 5.

[19] Trud Hartzenberg, "Regional Integration in Africa", *African Review Select Issues (*April 6, 2011): 4.

[20] Ibid., art. 5.

[21] Ibid., art. 5.

[22] Stephen Okhonmina, "The African Union: The Pan-African Aspirations and the challenges of African Unity", *The Journal of Pan African Studies* 3, no. 4 (December 2009): 85.

[23] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat* (Baltimore, Maryland: John Hopkins University Press, 2010), 116.

[24] Bratton and Van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective,* 7.

[25] Ibid., 10-11.

[26] Staffan I. Lindberg and John F. Clark, "Does Democratization reduce the risk of Military Interventions in Politics in Africa", Democratization 15, no.1 (Feb 28th 2008): 88.

[27] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 54.

[28] Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control,* 131-133.

[29] Boris Bachors, "Rwanda gets tough on corruption," *The Telegraph*, Dec 7, 2009, 3.

[30] David P. Forsythe, *Human Rights in International Relations* (Cambridge University Press, 2000), 135.

[31] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 48.

[32] Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control*, 251-255.

[33] R.C Macridis R. and S. L Burg, *Introduction to Cooperative Politics: Regimes and Change, 2nd* ed. (NY: Harper Collins Publishers, 1991), 3-5.

[34] Pierre Englebert, *State Legitimacy and Development in Africa* (Boulder & London: Lynne Rienner Publishers, 2000), 52.

[35] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat*, 13.

[36] Herbst, *States and Power in Africa, Comparative Lessons in Authority and Control,* 252.

[37] Bratton and Van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective,* 61.

[38] Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control,* 58.

[39] Ibid., 95.

[40] Englebert P, *State Legitimacy and Development in Africa*, 52.

[41] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 233.

[42] Ibid., 24.

[43] Englebert, *State Legitimacy and Development in Africa*, 73.

[44] Nicolas Lemey-Hebert, "State Building Without Nation Building? Legitimacy, State Failure and Limits of Institutional Approach", *Journal of Intervention and State Building* 3, no.1, (Feb 26th 2009):22.

[45] Ibid., 194.

[46] Bratton and Van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective*, 209

[47] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 74-76.

[48] Ibid., 63-66.

[49] Ibid., 338-339.

[50] Ibid., 27.

[51] Englebert, *Africa: Unity, Sovereignty and Sorrow,* 219-223.

[52] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 47-48.

[53] Ibid., 50-52.

[54] U.N. Charter, art. 2, sec. 4, and art. 3, sec. 2.

[55] Ibid., art. 27.

[56] African Union Constitutive Act, art. 4, sec. g.

[57] Ibid., art. 4, sec. g, h.

[58] State in Darfur, *Weekly Citizen* 7, no. 40*,* (October18th- 24th, 2004), 4.

[59] Albert Rudatsimburwa, "Libya: The Enemy Is a moving Target – Why Rwanda and SA Differed on Libya," *The East African*, September 18, 2011.

[60] African Union Constitutive Act, art. 4, sec. h.

[61] Herbst, *States and Power in Africa, Comparative Lessons in Authority and Control,* 105-106.

[62] Des Gasper, "Securing Humanity: Situating Human Security as a Concept and Discourse", *The Journal of Human Development Special Issue* 6, no. 2 (July 2005): 221-245

[63] Lloyd Axworthy, "Human Security and Global Governance: Putting People First", *Global Governance Issues* 7, no.1 (Sept 2001): 19-23

[64] Gasper, *Securing Human Security as a Concept and Discourse*, 221-245.

[65] Ibid.

[66] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 73-87.

[67] Bratton and Van de Walle, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective,* 170-172.

[68] Ibid., 97-99.

[69] Ake Claude, *The feasibility of Democracy in Africa (*Dakar: CODESRIA 2000): 77-81

[70] Ibid., 80.

[71] Ibid., 81.

[72] Irving L. Markowitz, Ed., *Studies in Power and Class in Africa* (NY: Oxford University Press, 1987), 306.

[73] Colin McCarthy, "Reconsidering the African regional Integration Paradigm"*, Review of select issues* (Trade Law Center for Southern Africa, DANIDA, Aug 2010), 14.

[74] Hartzenberg, "Regional Integration in Africa*", African Review Select Issues,* 2.

[75] Ibid.

[76] Benedikt F. Franke, "Competing Regionalism in Africa and the Continent's Emerging Security Architecture"*, African Studies* Quarterly 9, no. 3 (Spring 2007): 5.

[77] Laura R. Varhola and Christopher H. Varhola, "Regional Engagements in Africa: Closing the Gap between Strategic Ends and Ways", *Prism* 2, no. 4 (Winter 2011): 105.

[78] Ibid., 105.

[79] Ibid.

[80] Ibid., 101.

[81] African Union Constitutive Act, art. 4, sec. h.

[82] OXFAM, "Strengthening popular participation in the African Union: A guide to AU structures and processes", *Open Society Initiative for Southern Africa* (April 2009), available at www.compressdsl.com (accessed Feb 23rd, 2011).

[83] Laura R. Varhola and Christopher H. Varhola, *"*Regional Engagements in Africa: Closing the Gap between Strategic Ends and Ways", 102.

[84] Ibid.

[85] Lindberg and Clark, "Does Democratization Reduce the Risk of Military Intervention in Politics in Africa?", 86-105.

[86] Issaka Souare, "The AU Challenge of Unconstitutional Changes of Government in Africa", *The Institute for Security Studies*, 3 August 2009, http:www.issafrica.org/uploads/ SABAAB020309.PDF, accessed 9 February 2012): 3-5.

[87] Paul D. Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture", *African Affairs* 106, no. 2 (2007): 274-275.

[88] Diamond and Plattner, *Democratization in Africa: Progress and Retreat,* 52-55.

[89] Lindberg and Clark: *Does Democratization Reduce the Risk of Military Intervention in Politics in Africa?,* 86-105.

[90] African Union Constitutive Act, art. 4, sec. g.

[91] Diamond and Plattner, Eds., *Democratization in Africa: Progress and Retreat,* 6-13.

[92] Lynch and Crawford, *Democratization in Africa 1990-2010: An Assessment,* 276.

[93] "South Africa to Help Trace Kenya's Looted Billions," *The East African 56*, no. 523, (November 8th-14th 2004), 1.