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CONTENTS

AFRICAN UNION AND THE PROMOTION OF DEMOCRATIZATION IN AFRICA: PROSPECTS AND CHALLENGES

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Abstract

Following the democratization process and the consequent re-introduction of popular democratic rule in some states in Africa in the 1990's is a great deal of emphasis on the need to democratize African states. Most African states have at one time or the other established democratic rule which has either been sustained or reversed to the initial military dictatorship or one party rule. The fact however, remains that democracy is one concept which African states requires in fostering socio-economic and political development in the region. The contribution of the African Union to the democratization process in Africa cannot be under estimated as the organization has contributed in one way or the other to the establishment of democratic rule in some African states. While the organization has achieved a considerable level of success, it continues to face challenges. This paper shall examine the efforts of the African Union in driving the democratization process on the continent, identifying areas of success and challenges. Drawing basically from secondary sources, the paper shall adopt the historical and the descriptive method of analysis. It has been demonstrated that efforts at fostering democracy in Africa need to go beyond holding periodic elections and establishing democratic institutions. Aside these, it also has to do with imbibing democratic cultures and values which should govern electoral competition based on representation, inclusiveness, accountability and total abhorrence for military rule in order to prevent democratic reversal and the re-institutionalization of autocratic rule.

KEYWORDS: African Union, Democratization, Democratic Values, Military Rule

Introduction

The past two decades have witnessed epochal transformation of the region of Africa from dictatorial one party rule or long lasting military interregnum to liberal or multi-party democracy. Ever since then there has been a disposition towards democratization in the continent of Africa. The creation of African Union in 2002 to replace the Organization of African Unity can be regarded as the most significant regional effort to promote democracy and good governance on the continent (Fombad, 2006:9). According to Shinkaiye (2006:3) the governance institutions and practices that were bequeathed to the majority of African states at independence were not compatible to the Africa and the continent's development challenges. Therefore, one of the major challenges that have faced African states since the advent of political independence has been that of establishing and sustaining appropriate governance institutions and practices that will

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engender democratic practices and promote sustainable development on the continent (Shinkaiye, 2006:3).

Though the Organization of African Unity, the pioneer organization has as its initial focus the elimination of the ills of colonialism so as to promote the principle of self-governance and determination to foster the establishment of truly sovereign states, free from all sorts of external interference both continentally and globally (Shinkaiye, 2006:3), its successor, the African Union through some of its established institutions promotes the democratization process on the continent. Regional organizations have been seen as having the legitimacy to intervene in the affairs of a country when it comes to the promotion of democracy (Gandois, 2007:5). For instance such organizations intervention when there is a military coup is justified based on three reasons: the regional organization is more easily accepted as an intervener, it is more accountable and more empowering (Gandois, 2007:5).

The objective of this paper is to access the efforts, successes and challenges of the African Union in promoting democracy in Africa. To achieve this, the paper is divided into four sections. The first part consists of the introduction and the emergence of the African Union, its structure and objectives. The second part gives a conceptual analysis of democracy and democratization. The third part looks at African Union and its democratization efforts in Africa as well as the success and challenges faced by the regional organization in democratizing African states. The last part concludes and gives recommendations.

Democracy and Democratization: Conceptual Perspectives.

Democracy no doubt has become the most acceptable form of political system in the world. The practice of democracy has gained international recognition such that a state which does not practice the system is regarded as a pariah state. According to Kukathas (1998:21) "we live in an age of democracy fetishism" and "global political phenomenon of democratization". Despite the universal acceptability of the practice of democracy, the concept lacks a consensual definition. Definitional consensus on the concept of democracy is a matter of intellectual supposition. Hence, democracy has been conceptualized from different perspectives by different scholars based on their ideological orientation.

Appadorai (1942) sees democracy as a "system of government under which people exercise the governing power either directly or through representatives periodically elected by themselves. In essence, a state may be termed a democracy if it provides institutions for the expression and the supremacy of the popular will on basic questions of social direction and policy. In his own view (Nzongola- Ntalaja, 2000) asserted that democracy is premised on three basic ideas, viz: democracy as a value, a process and a practice. He posited that democracy above all is a moral value which connotes a basic human need, a necessity and therefore, a political demand of all freedom loving human beings. He explained its value as a permanent aspiration of human beings for freedom, for a better social and political order, one that is more human and more or less egalitarian. According to him Democracy as a process is a continuous process of promoting equal access to fundamental human right and civil liberty for all i.e. the fundamental human right of human persons to life and security, freedom of religion,

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assembly, expression, press, association as well as economic social and cultural rights etc. (Nzongola-Ntalaja, 2000). Democracy as a political practice connotes a specific manner of exercising power in accordance with certain universal norms and principles. It include the idea that legitimate power or authority emanates from the people, who exercise it directly or indirectly, the concept of the rule of law, the principle that rulers are chosen by and are accountable to the people, the right of citizens to participate in the management of public affairs through free and fair elections and the right of the people to change a government that no longer serve their interest (Nzongola-Ntalaja, 2000).

In his own conceptualization Smith (1994:3) sees democracy as having to do with free elections contested by freely organized parties under universal suffrage for control of the effective centres of governmental power. The definition put forward by Smith (1994) has been challenged by Nwauwa (2012:2) on the ground that it is premised on the western concept of liberal democracy and that it reflected an Anglo-American cultural bias. The definition reduced the concept of democracy to elections, multi-party system, and universal suffrage such that any deviation becomes an aberration. In a similar vein Sandbrook (1988:244) argued that in the West, political parties are formed along different class interest and organized groups, whereas in Africa there was what we called the "near-absence of established classes before colonial intrusion". As such contemporary Western insistence on multiparty politics does not consider indigenous cultural values and consequently multiparty electoral politics degenerates into ethnic or communal conflicts, democracy, thus, simply becomes an instrument of political dissension and chaos (Sandbrook, 1988:244).

This dominant way of characterizing democracy as argued by Nwauwa (2012) according to a set of electoralist, institutional and proceduralist criteria, must be expanded into broader conceptualization. It is on this premise that Makinda (1996:562) proposes that democracy should be conceived "as a way of government firmly rooted in the belief that people in any society should be free to determine their political, economic, social and cultural systems. A broader conception of democracy should include what Mailu (1997:255) refers to as "cultural definition of democracy". To Mailu (1997:255) African societies were socially and politically structured so that "everybody participated according to his ability and age-status".

Closely associated with the concept of democracy is democratization. As observed between 1974 and 1990, under the "third wave" of democratization, 30 countries had changed from authoritarian regimes to democracies (Huntington: 1993:14). Democratization is a process of political change that moves the political system of any given society towards a system of government that ensures peaceful, competitive political participation in an environment that guarantees political and civil liberties (Samarasinghe, 1994:17). The concept of democratization captures the dynamic quality of democratic evolution in any society but especially in developing countries (Samarasighe, 1994:17). At any given moment in all societies occupy some point along a political spectrum that extends from dictatorial rule to democratic rule. The movement along this spectrum is a non-linear process (Beetham, 1993:55).

Whitehead (2002:27) conceptualized democratization as "a complex, long-term dynamic and open ended process. It consists of progress towards a more rule-based, more consensual and more participatory type of politics. It is the transition to a more

democratic political regime. It may be transition from an authoritarian regime to a full democracy, a transition from an authoritarian political system to a semi–democratic political system. Democratization entails the process of institutionalizing democracy. Features of democratization however, should include the following: periodic, free, fair credible and competitive elections, the existence of autonomous and active civil society, existence of vibrant and competitive political parties, recognition and guarantee of fundamental human rights such as: right to life, freedom of association, freedom of expression, freedom of speech etc, as well as the recognition and the adherence to the rule of law etc. According to Linz and Stephan (1996) democratization can be understood as a process subdivided into three faces viz: the liberation stage, when the previous authoritarian regime opens up or crumbles. Second, a transition phase, often culminating when the first competitive election are held and three, the consolidation phase, when democratic practices are expected to become more fully established and accepted by most relevant actors. The final phase is relevant for establishing durable democratic regimes (Rackner et.al, 2007:12).

African Union: Emergence, Organs and Objectives.

What can be regarded as the emergence of African Union cannot be divorced from that of the Organization of African Unity (OAU). Therefore, giving a historical evolution of the African Union will definitely entail the history of the Organization of African Unity, as the genesis of African Union is the OAU. Prior to the formation of the OAU African states were grouped into three different groups. These groups included: The Malagasy group (also called the Brazzaville Group), the Casablanca Group and the Monrovia Group. The Malagasy group was founded on 12th September, 1961 in Antananarivo by members (Arnold, 2001:94). This group had Cameroon, Congo, Mauritania, Niger, the Central African Republic, Senegal and Chad as its members. The Monrovia group comprised the Brazzaville group as well as Ethiopia, Liberia, Nigeria, Sierra Leone Somalia, Togo, Tunisia and Congo (Kinshasa). The history of these groups can be linked to the formation of the Organization of African Unity.

At the end of the Second World War, demand for independence and freedom from colonial rule swept across Africa, this coupled with the influence of the spread of socialism and the demise of the Cold War led to the rapid de-colonization of Africa. The newly independent states were faced with a number of challenges which include building the nation, developing the economy and transforming society, while heavily indebted to Western entities like the World Bank and the International Monetary Funds. It was against this background that leaders of the then independent African states on 25th May, 1963 through the OAU charter established the Organization of African Unity. Originally 37 independent African states were members of the OAU with the then president of Ghana, Dr. Kwame Nkrumah as the pioneer president of the organization. South Africa however, became the 53rd and last nation to join the OAU after overcoming Apartheid and electing a new democratic government. The organization was however, established to achieve the following objectives:

- to defend the sovereignty of members,
- to eradicate all forms of colonialism,

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- to promote international cooperation with due regard for the UN Charter and the Universal Declaration of Human Rights,
- to coordinate and harmonize member state's economic, diplomatic, educational, health, welfare, scientific and defense policies.

The organization of African unity made considerable landmark in terms of decolonization and attainment of independence.

According to Article (2) 1 of the OAU charter the major driving force, behind the creation of the organization was the need to cooperate and develop together in the spirit of Pan-Africanism and to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa (Eragha, 2007:209). In order to achieve these, member states where enjoined to coordinate and harmonize their general policies especially in the following fields:

- political and diplomatic cooperation
- economic cooperation, including transport and communications
- educational and cultural cooperation
- health, sanitation and nutritional cooperation
- scientific and technical cooperation
- cooperation for defense and security

However, on the 9th of September, 1991, the Heads of States and Government of the OAU issued the Sirte Declaration (the Sirte Declaration was the resolution adopted by the OAU on September 9, 1999 at Sirte, Libya to create the African Union, with a view, inter alia, toward accelerating the process of unity among countries of the continent, enabling it to better address social, economic and political problems).

The organs of the African Union include the following:

- **The Assembly:** This organ comprises the head of state and government or their duly accredited representatives. The assembly of Heads of States and Government is the supreme organ of the African union.
- **The Executive Council:** The executive council is composed of authorities designated by the governments of member states. This organ is responsible to the assembly.
- **The Commission:** This is composed of the Chairperson, the deputy Chairperson, eight commissioners and staff members. Each commission shall however be responsible for a part folio.
- **The Permanent Representative Committee:** This committee is composed of permanent representatives of member states accredited to the union. The committee is charged with the responsibility of preparing the work of the executive council.
- **Peace and Security Council (PSC):** The peace and security council was a creation of a decision of AHG/Dec 16 (xxxvii) of the July 2001, Lusaka Summit.

- **The Pan-African Parliament:** The pan-African parliament is an organ created to ensure the fill participation of the African peoples in governance, development and economic integration of the continent.
- **ECOSOCC (Economic, Social and Cultural Council):** This is an advisory organ composed of different social and professional groups of the member states of the union.
- **The Court of Justice:** The court of justice has been established. The statutes defining the composition and functions of the court of justice have been prepared.
- **Specialized Technical Committees:** The following specialized technical committees are created to address special issues and are at the ministerial level.
- The Committee on Rural Economy and Agricultural Matters
- The committee on Monetary and Financial Affairs
- The Committee on Trade, Customs and Immigration Matters
- The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment
- The Committee on Transport, Communications and Tourism
- The Committee on Health, Labour and Social Affairs.
- The Committee on Education, Culture and Human Resources
  The financial institutions of the organization include the following:
- The African Central Bank
- The African Monetary Find
- The African Investment Bank

The African Union Commission

The African union commission is the key organ which plays a central role in the day-to-day management of the union. It represents the union and defends its interest, elaborates draft common positions of the union, prepares strategic plans and studies for the consideration of the executive council, it elaborates, promotes, coordinates and harmonizes the programmes and policies of the union with those of the RECs and ensures the mainstreaming of gender in all programmes and activities of the union (www.au.int).

The objectives of the African Union include the following:

- To achieve greater unity and solidarity between the African countries and the peoples of Africa.
- To defend the sovereignty, territorial integrity and independence of its members states.
- To accelerate the political and socio-economic integration of the continent
- To promote and defend African common positions on issues of interest to the continent and its people.
- To encourage international cooperation, taking due account of the charter of the United Nations and the Universal Declaration of Human Rights.
- To promote, peace, security and stability of the continent.
- To promote democratic principles and institutions, popular participation and good governance.

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☐ To promote and protect human and people's right in accordance with the African Charter on Human and Peoples Rights and other relevant human rights instruments.

☐ To establish the necessary conditions which enable the continent to play its rightful role in the global economy and international negotiations.

☐ To promote sustainable development at the economic, social and cultural levels as well as the integration of African economies.

☐ To promote co-operation in all fields of human activities to raise the living standards of African peoples.

☐ To coordinate and harmonize the policies between the existing and future regional economic communities for the gradual attainment of the objectives of the union.

☐ To advance the development of the continent by promoting research in all fields, in particular in science and technology.

☐ To work with relevant international partner in the eradication of preventable diseases and the promotion of good health on the continent.

African Union and Democratization Efforts in Africa

Undoubtedly the struggle for democracy, accountability, popular participation in decision making goes back to the independence period. At independence, hardly any African country was a democracy and the new leaders who arrogated power from the colonizers did not help the situation when they quickly contrived excuses to depoliticize the people, get rid of emerging opposition parties and in general, perpetuate the dictatorial and oppressive systems they had inherited (Fombad, 2006:10). The winds of democratic transition that blew through the continent in the 1990's were sufficiently powerful to affect not only individual states but also a conservative organization like the OAU. It has been argued that the first institutional attempt to commit African states to democracy and good governance was initiated by the OAU and that the AU merely continued from where its predecessor had left off (Fombad, 2006: 10).

The underlying set of ideas for promoting democracy among member states of the African Union is laid down in the constitutive Act which sets up the union as well as a number of treaties, declarations and instruments. Article 3 (objective 9) of the Constitutive Act states that: the union shall promote democratic principles and institutions, popular participation and good governance (the constitutive Act, 2002). The African Union Charter on Democracy, Elections and Governance clearly shows the commitment of the African Union to democratize the continent of Africa. Chapter 2, Article 2 stated the objectives of the charter which include among others to promote adherence by each state party to the universal values and principles of democracy and respect for human rights, promote and enhance adherence to the principle of the rule of law premised upon the respect for and the supremacy of the constitution and constitutional order in the political arrangements of the state parties, promote the holding of regular free and fair elections to institutionalized legitimate authority of representative government as well as democratic change of government etc. Although, the AU as an international organization, possesses the capacity to make legal instruments and other acts that are necessary for the fulfillment of its purposes, not all these are legally binding

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on member states (Klabbers, 2002:278). There are however, four major instruments according to Fombad (2006:20) that contain the basic democratic principles on the AU democracy agenda viz: the AU act itself, the declaration on the framework for an OAU (AU) response to unconstitutional change of government, the declaration governing democratic elections in Africa and the declaration on observing and monitoring elections (Fombad, 2006:20).

The Act establishing the Africa Union from the introduction showed the commitment of the union to fostering democratization in Africa. According to Forbad (2006:20) "the basic democratic tenets of the African Union Act are carefully developed in the objectives and principles, which are far more elaborate and more radical than those that were contained in the OAU charter" The declaration rejecting unconstitutional changes of government, which Fombad (2005: 21) regards as "an obvious euphemism for coup de' tat" was issued in 1997 but was actually adopted by the OAU during its Lome summit in 2000. The article rejects in totality unconstitutional changes of government. The declaration covers four important issues these include:

- A set of common values and principles for democratic governance.
- A definition of what constitutes an unconstitutional change of government.
- Progressive measures and actions that the AU would take to respond to an unconstitutional change of government.
- An implementation mechanism.

The definition of common values and principles for democratic governance includes setting out "a set of principles on democratic governance to be strictly adhered to try all member states. The declaration however, listed such principles to include the following:

- Adoption of a democratic constitution: Its preparation, content and method of revision should conform to generally acceptable principles of democracy.
- Respect for the constitution and adherence to the provisions of the laws and other legislative enactments adopted by the parliament.
- Separation of powers and independence of the judiciary.
- Promotion of political pluralism or any other term of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process.
- The principle of democratic change and recognition for a role for the opposition.
- Organization of free and regular elections in conformity with existing tenets.
- Guarantee of freedom of expression and freedom of the press including guaranteeing access to the media for all political stake-holders.
- Constitutional recognition of fundamental rights and freedom in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples rights of 1981.
- Gurantee and promotion of human rights (Africa Union, 2002).

The declaration went further to define unconstitutional change of government to include the following:

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- ☐ Military coup d' etat against a democratically elected government.
- ☐ Intervention by mercenaries to replace a democratically elected government.
- ☐ Replacement of democratically elected governments by armed dissident groups and rebel governments.
- ☐ The refusal by an incumbent to relinquish power to the wining party after free, fair and regular elections (African Union, 2002).

Fombad, (2006:22), stated that although the declaration provides a series of measures that the African Union can take progressively to respond to the unconstitutional change of government as well as an implementation mechanism, according to him, the interpretation of these defined and specified types of unconstitutional changes of government may give rise to difficulties in some circumstances. He is of the opinion that since the declaration specifically prohibits coups against a democratically elected government, it is therefore, inapplicable to a coup staged against a military government (Fombad, 2006: 22). This he sees as a loophole which can easily be exploited by the military in terms of a military regime being terminated by another military regime through a coup.

Another effort of the Africa Union towards democratization of Africa is the African Union Declaration on the Principles Governing Democratic Elections in Africa. The Declaration was adopted in Durban, South Africa at the 38th ordinary session of the Assembly of the AU. Elections are central and are very important element of a democratization processes. Elections in the early 1990 have being a tale of failures in most African states. With the exception of few countries, South Africa inclusive, maiden elections may have proven successful but most of these countries have reverted to their initial autocratic or one party dictatorship. Mindful of whether the process is free and fair, the fact that elections are held at periodic intervals is a pointer to the fact that the democratization process is on course. Though, free and fair elections are not sufficient to guarantee passage to democracy, they remain important aspects of any democratization effort. The declaration on the principles governing democratic elections have five reference points, these include: the principles of democratic elections, responsibilities of the member states, rights and obligations under member states, rights and obligations under which the elections are conducted, election observation and monitoring and the role and mandate of the general secretariat (African Union, 2002).

The declaration outlined the principle of democratic elections as follows: democratic elections are the basis of the authority of any representative government, regular elections constitute key element of the democratization process and therefore, are essential ingredients for good governance, rule of law, the maintenance of peace, security, stability and development, the holding of democratic elections is an important dimension in conflict preventing, management and resolution. The scope of the declaration seems to have expanded the scope of the importance of democratic elections to the importance of democratic elections to the area of conflict prevention, management and resolution. This cannot be unconnected with the fact that elections prevent what might be regarded as sporadic citizens initiated act. That is, elections prevent citizens from initiating civil disturbance which invariably foster democratic stability through channeling away potentially disruptive forms of mass political activity.

In order to achieve this, democratic elections according to the declaration should be conducted freely and fairly, under democratic constitutions and in compliance with supportive legal instruments under a system of separation of powers that ensures in particular, the independence of the judiciary, at regulars intervals as provided for in National constitutions, by impartial, all inclusive competent, accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics. The above are the ideal description of the situation under which elections should be conducted. However, in order to procure an enabling environment for these, member states are expected to fulfill some responsibilities some of these include the following:

- Take steps to scrupulous implementation of the principles stated above
- Establish institutions to address issues such as codes of conduct: citizenship, requirement for eligible voters.
- Establish impartial and all-inclusive, competent and accountable national electoral bodies
- Promote civic and voter education on democratic principles.
- Ensure free, fair and violent-free electoral process.
- Ensure the availability of adequate logistics and recourses for organizing democratic elections.
- Foster the participation of women in all aspects of the electoral process in accordance with the national laws.

The rights and obligations that will guide the democratic elections are also exhaustively given in the declaration. The rights and obligation mostly concerns the citizens, political parties and the media.

According to African Union (2002) the first involvement of the OAU in election monitoring was in 1989, when the organization teamed up with the United Nations in monitoring election in Namibia to ensure the fulfillment of the United Nations Security Council Resolution 435. In February, 1990 the OAU was involved in its first direct involvement in election observer mission, when an OAU observer team of three took part in observing the election in Comoros based on the invitation of the then president of Comoros. It was from then, that the process of election observation acquired legitimacy. However, having recognized the fact that free and fair elections are central too the democratization process and that genuine elections, that is, elections conducted under the ideals of democracy are the basis for sustainable development and a functional democracy, the African Union member states requested the organization to be fully engaged in strengthening the democratization process, particularly by observing and monitoring elections in the member states, according to the following guidelines.

- The observation and monitoring of elections shall be undertaken subject to a memorandum of understanding between the OAU General Secretariat and the host country in accordance with the principles enshrined in this Declaration and the laws of the host country.

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- In performing their obligation, the election observers or monitors shall be guided by detailed guidelines to be prepared by the General secretariat drawing inspiration from the essential thrust of this declaration.
- Member states should ensure that invitations to the organization to participate in election observation or monitoring are sent at least two months before the date of the election.
- Member states should refrain from imposing any fees and/or charger on the organizations observers.
- The General Secretariat shall have the right to decline invitation to monitor election which in its considered opinion, do not measure up to the normative standard enunciated in this Declaration.

The African Union have engaged in election monitoring in countries such as Nigeria in 2011, Sierra Leone in 2012, Kenya in 2013, and Cameroon in 2013 and Ghana in 2012. However each organ of the Africa Union has one role or the other to play in the democratization process. For instance, the Assemble which is the highest body takes decisions which tend to promote democracy and besides it ratifies Acts, Declarations and other instruments that can be used to drive the democratization process. The Pan –African parliament is saddled with the responsibility of facilitating cooperation and development in Africa, promote the principles of human rights and democracy in Africa as well as to encourage good governance, transparency, and accountability in member states (African Union, 2011). The commission which serves as the secretariat of the union is the organ which drives the AU agenda and it plays a crucial in the implementation process of the African Union's democracy and good governance initiative. The Economic, Social and Cultural Council (ECOSOCC) are the driving force behind building a strong partnership between governments and all segments of the African society.

African Union and Democratization Efforts in Africa: Success and Challenges.

The African Union in the recent past has demonstrated zero tolerance for coups and unconstitutional changes of governments. Unlike in the past when coups and counter-coups seem to be the other day, the African Union today frowns at such occurrence and in fact takes strict measures to either prevent its occurrence or restore democratic governance. In order to promote democratic governance, the African Union introduced the African Peer Review Mechanism (APRM). The APRM which was launched in 2003 as part of the New Partnership for African Development (NEPAD) is to provide mutual oversight on good governance and to promote development. Although, it faces challenges in its missions, the African Union has played a vital role in promoting democratization in Africa.

The first step which the African Union takes against any form of coup and unconstitutional change of government is to give such outright condemnation. Recently, the African Union commission condemned the seizure of power by rebels in the Central African Republic and also called on Member Nations to take unified and decisive action (Flyn, 2013). The Union has also imposed sanctions and has also warned that rebel leaders could face trial (Dixon, 2013). The African Union statues envisage, in the case of an unconstitutional change of power, the country's suspension from all activities, the

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complete isolation of those responsible and adoption of sanctions against them (Flyn, 2013).

However, the African Union has recorded successes in restoring democratic order in some African state. In Mauritania on 6th of August, 2008, the head of state, President Sidi Abdullahi, was arrested by the military after he dismissed some high ranking military officers whom he suspected to behind a revolt in the parliament. The military set up a high council of state which was headed by a military officer. However, following a series of meetings and negotiations with the African Union led mediators the high council on 3rd June, 2009 signed a framework agreement which led to a consensual transition and the establishment of an independent electoral commission. On 18th July 2009 presidential elections were conducted in what observers described as free and fear (Engel, 2010:5).

Also, in December, 2008 in Guinea a day after the death of Lansana Conte, the army took power. It became evident that the army was going to stick to power in order to prevent such, opposition parties protested in the streets. The situation escalated into what can be described as a massacre when soldiers attacked a large apposition rally killing about 150 people (Harsch, 2010). However, facing domestic and foreign condemnation the military junta experienced rifts and was eventually killed by his aide de camp in December, power however shifted to General Sekouba Konate who took a reconciliatory position. The African union maintained that Guinea will remain suspended from the AU until democracy is restored (Harch, 2010). Consequently, on the 15th January, 2010 through the Joint Declaration of Ouagadougou, a government of National Unity was created which organized presidential elections (Engel, 2010:6).

Again, in Madagascar on the 21st March, 2009, Adry Rajoelina who was then the Mayor of Antananarivo, with the backing of the military forced president Marc Ravalomanana out of office. The AU peace and Security Council said the removal of the former president was unconstitutional and as such falls within the definition of unconstitutional change of government (McGreal, 2009). Consequently, Madagascar was suspended from participating in the bodies and organs of the AU. The African Union through the Maputo Agreement of August 2009 negotiated a return to constitutional order (Engel, 2010:6).

Furthermore, in his bid to perpetuate himself in power, the then Nigerien president, president Mamadou Tandja attempted to amend the constitution which will enable him run for a third term. The court however, ruled that a change in the presidential term limit would be illegal (Harch, 2010). Mr Tandja bent on achieving his aim dissolved the Court and the National Assembly. Seeing this as a coup, the African Union demanded a return to the previous constitutional order. On 18th February, 2010, the army held Tandja in detention and called for a restoration of constitutional order (Engel, 2010:6). Though, the African Union condemned the second coup on principle but it sent a delegation to Niger to press the officers to fulfill their promise to restore democracy. Within a few days the military appointed a civilian Prime Minister and begun consultations on a new constitution and fresh elections.

In addition, the 21st March, 2012 Malian coup initiated by mutinying Malian soldiers, who were displeased with the management of the Tuaregs was condemned by the African Union. Consequently, the African Union's Peace and Security Council acted

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swiftly to suspend Mali from the organization. The African Union commission on Peace and Security said the AU's stance against Mali's coup leaders is part of the continuing effort to strengthen the continental body's capacity against unlawful leadership changes in Africa. The African Union is making progress on its democratization efforts in Africa. The AU is now almost as a matter of routine, quick in condemning unconstitutional changes of government in member countries. It has, therefore, become increasingly difficult for governing elites and for potential coup makers not to abide by election (Gunnar; 2008). Another area where the African union effort to enforce a solution to a political crisis is Sudan, where in 2008 the African Union authorized military invasion of Somalia to restore law and order (Gunnar, 2008). Despite the progress and some recorded successes the African Union in its democratization efforts faces daunting challenges. Some of these constraints include the following:

Electoral violence: One prominent feature of election in Africa is election violence. Electoral processes in most African countries are laden with wanton destruction of lives and properties. Since independence the Nigeria state has witnessed widespread and large scale electoral violence. Electoral violence which characterized the 1964-65 western Regional elections, the 2007 general elections and the 2011 general elections in Nigeria have been described as the worst in the history of the country. During these periods hundreds of live and properties were lost and destroyed respectively. Other African states such as Kenya, Mall, Tanzania have also had their fair share of the menace of election related violence. The attainment of independence on 12th December, 1963 by Kenya with the Kenya African National Union (KANU) forming the first post-independence government has until recently, failed to provide for pluralist competitive politics (Omotola, 2008:60). The political party initiated a constitutional engineering process which resulted to a new constitution in 1969 and which transferred all constitutional powers to the presidency and completely wiped out the political checks and balances inherent in the independence constitution of 1963. Elections held are dominated by the party (Omotola, 2008:60). Attendant electoral violence has however, manifested in different dimensions, which include: assassination, attempted assassination, confinement, battering, arson, looting, political thuggery, destruction and damage of property etc. The trend has not been different in Tanzania and Zimbabwe (Laakso cited in Omotola, 2008:60).

Weak civil society: civil society connotes the existence of a "tight network of autonomous institutions and organizations which has not one but a thousand centres "(Dahrendorf cited in Nwabueze, 2009:14). It is an entity that is able to act as a counter force against the government to check any dictatorial or other authoritarian tendencies on its part and if need be remove it (Nwabueze, 2009:15). Without a strong, vibrant civil society the accountability of government to the citizenry can hardly be guaranteed. Most African states do not possess the required civil society that can act as a counterbalance to state hegemony. Where they actually exist, they are weak and do not possess the will power to provide a permanent check on the activities of the state. The weakness of civil society in African states often emanate from the lack of strong middle class with its own class interest and stake in society (Thomson, 2004 in Tar 2010:88).

Frequent military intervention in politics: not until recently military invasion of the political scene in African states have been rampant. From its first occurrence in Egypt in 1952 and Sudan in 1958, military seizure of African states by means of a military coup d'etat has, as at January 2009, engulfed 34 out of the 53 states in Africa (Nwabueze, 2009:33). Almost all African countries which gained independence in 1960 started on a promising note of multi-party political systems, but by the end of the 1960's just a few maintained the multiparty system. By 1970, about half of the entire independent African countries were ruled by the military. From independence through 2004, the sixteen West African states have experienced forty-four successful military coups, forty-three bloody but failed coups, at least, eighty-two coup plots, seven civil wars and many other forms of political conflict (Patrick, 2005:1). The above is a testimony to the fact that within the first fifty years of independence, Africa has been an abode of unconstitutional and violent changes of government. One detrimental effect of this is political instability. The extreme quest for power coupled with the kleptomanic desire to amass wealth by African political leaders often result to political instability in states of the African region.

Sit-light syndrome and Corruption: African leaders have in the past demonstrated over ambition of sticking to power for as long as they last on earth. One of the means by which they do this is to conduct charade elections and repress viable opposition. The method of repressing oppositions and denying them a level playing ground in competitive elections have manifested in different countries. In Zimbabwe, Robert Mugabe's ZANU has remained in power since 1980. He has sufficiently demonstrated the possibility of becoming a life president through oppressing and repressing opposition. Zambia's Patrick Chiluba used various methods to ensure his self succession bid. Zambia's case typified what characterized many multi-party elections in Africa: disqualification of leading candidates, the spotty coverage of voter registration, the abuse of government resources during the campaigns and the growing hostility of government towards watchdog groups (Bratton, 1998:60). Military leaders in Africa have also demonstrated over ambition to stay in power for life. Jerry Rawlings of Ghana, Yaya Jammeh of Gambia, Ibrahim Mainassara, of Niger, Ibrahim Babangida and Sanni Abacha of Nigeria among others, were all reluctant to relinquish power. The sit-tight power ideology of African leaders culminates to political and economic corruption. African leaders have used political office to accumulate and embezzle public funds. A vivid example of a corrupt and exploitative leader often cited in Africa is the regime of Zaire's Mobutu Sese Seko, who ruled the Democratic Republic of Congo from 1965-1997. Another case is that of Sanni Abacha (now late) who was the military head of state in Nigeria from 1993 to 1998. It was reported that Abacha stole about $4 billion. More than $400 billion was stolen from Nigeria by Nigerian leaders between 1960 and 1999 (Transparency international, 2009:6).

Weak and unstable economy and political culture: The political and economic cultures of many African countries are still underdeveloped and unstable (Tar, 2010:86). They lack the necessary conditions of instituting liberal democracy such as a strong and independent middle class, a competitive party system, constitutionalism and rule of law, a

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neutral bureaucracy and strong market economics (Tar, 2010:86). In such a situation it is difficult to democratize. This was aptly described as thus:

> Democratization was not supposed to happen in Africa. It had too little of what seemed necessary for constitutional democratic polities. African countries were too poor, too culturally fragmented, and insufficiently capitalist, they lacked the requisite civic culture. Middle classes were usually weak and more bureaucratic than entrepreneurial, and they were often co-opted into authoritarian political structure (Joseph, 1997:363).

In the early 1990's when African countries were transiting en masse towards the so-called liberal democracy (Tar, 2010:87), Ake-cited in Tar (2010:87) wrote that it was difficult to discern what kind of democracy is emerging in Africa and what unique features will give it depth and sustainability in African conditions" in responding to why African countries were facing difficulties in building liberal democracy Chabal cited in (Tar, 2010:87) wrote that:

> There is the persistent claim that multi-party elections are controlled and distorted, when not actually rigged by incumbent regimes. There is also the doubt that democratically elected regimes have every intention of subverting the momentum for political liberalization by ruling much as the previous one-party regimes did. Also, there are obvious limits to the actual democratic nature of functioning multi-party systems. Lastly, there is the unavoidable fact that where multi-party elections have failed to bring about genuine improvements, Africans have begun to lose faith in democracy" (Chabal, 1998 cited in Tar, 2010:87).

Lack of viable political opposition: most African states lack viable opposition parties that can serve as a check and some form of control to government policies and programmes. As the role of political opposition has proved ambiguous in most African states, government rarely see the necessity for a regular opposition party nor do they always accept the idea of opposition as a normal feature of government (Apter, 1970:226). Some African political leaders are wary of opposition parties because most of them rose from poverty and obscurity to power in a short time, politics, therefore, is their only profession. For them to go out of office is for them to become unemployed (Apter, 1970:227). Political opposition is an indispensable feature of a democratizing polity as it performs vital functions which help to preserve the society by assisting to transform private demands into acceptable public policy. An opposition party represents interest which may have been overlooked by a ruling party; they provide information to the government about public reaction to a particular official policy. By doing this the opposition keeps the government informed about the consequences of official policy. The opposition also provides criticism and useful alternatives to government policies (Apter, 1970:226).

Conclusion

The need to address the complexity of problems facing the continent of Africa led to the establishment of the Organization of African Unity. The transformation of the OAU to AU in 2002 expanded the scope of the regional organization from maintenance of unity and eradication of all forms of colonialism etc. to include the promotion of democratic principle, institutions, popular participation and good governance. While it is evident that the African Union has recorded a considerable level of success in promoting democracy in Africa it is still being confronted by a number of challenges. The African Union is however, committed to subdue these challenges through instruments institutionalized in the area of democracy and elections. Some of these include: the Durban Declaration on Elections, Governance and Democracy, the NEPAD Declaration on Democracy, Political, Economic and Cooperate Governance, The Declaration on Unconstitutional Changes in Government etc. The Act establishing the African union and these various instruments which are used to foster the democratization agenda in the African sub-region provides a better avenue for the institutionalization of democracy in Africa than that of its predecessor, the Organization of African Unity (OAU). The regional organization (AU) is now more democracy oriented. This is evident in the various condemnations taken against unconstitutional change of government in African states.

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