

The African Union Role in Peacebuilding

Prospects and Challenges

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Abstract

Peacebuilding is an approach to a complete lay down of interconnected efforts that sustain peace. It aims to transform beliefs, attitudes and behaviours to change the short- and long-term dynamics between individuals and groups toward a more stable and peaceful coexistence. However, the role of African Union (AU) in peacebuilding in Africa is basically situated in building a strong democratic institutions that would promote democratic principle in its member states; stopping unconstitutional change of government; promote constitutional governance; developing a strong peace and security council (PSC) with the task of maintain peace and security and the adoption of norms or principle that would permit intervention into the member state internal affairs. Whatever the situation of the continent is, the fact is that AU role in peacebuilding on the continent has gained little attention due to the numerous challenges that the Union is facing. As such most conflicts remain unresolved, while most member states still received the threat of unconstitutional changes. This article seeks to examine the AU role in peacebuilding on the continent.

Keywords: Africa, conflict, constitutional governance, democratic principle, intervention, peacebuilding

Introduction

The aim of this paper is to examine the role of the African Union (AU) in peacebuilding in Africa. The frequent reoccurring of violent intra-state conflicts in many African states has become the unfortunate reality that continues to overpower modern post-conflict reconstruction efforts. Since the inception of the AU in 2002 to date, the organisation has endeavoured to maintain regional peace, security and stability on the continent. The overwhelming new spirit of *Pan Africanism* and *Africa Renaissance* portray by some African enthusiastic leaders such as Thabo Mbeki of South Africa, Olusegun Obasanjo of Nigeria, Muammar Gaddafi of Libya, Abdoulaye Wade of Senegal and many others was a remarkable search for an *African solutions to African problems* to achieve the quest for *Pax Africana* (Murithi and Ndinga-Muvumba, 2008:1-2). As such the AU has made tremendous efforts in the advancement of peacebuilding initiative in the contemporary Africa, especially in the area of peace, security and stable and the promotion of democratic governance.

Although the AU has made remarkable efforts in maintaining sustainable peace and stability and the promotion of democratic governance; the Union is faced with enormous challenges (Powell, 2005). These challenges are stemmed from the continental colonial legacy, poor leadership, corruption, weak democratic institutions, marginalisation, patronage politics, underdevelopment,

electoral malpractice and many others (Solimano, 2005). The above variables are some of the root causes that trigger conflicts in Africa. It is worthy to note that Africa is a continent that was caught in the webbed of colonialism with its authoritarian rule of the coloniser. Though blessed with abundant natural resources the continent has remain underdeveloped; plague with many intra-state conflicts and still continue to be an exploitative avenue for imperialist countries for the extraction of raw materials for more than a century now. The extensive period of colonial bureaucrats on the African continent actually subjected the continent under economic exploitation, political, social and cultural invasion for their own benefit (Gbenenye, 2015:3).

Before the destruction of political, social and cultural setting of African people by the colonial empires; pre-colonial African polities were well organised under the leadership of Kings or Queens or Chiefs. Quashigah denotes that the core of “African governance system in pre-colonial Africa was basically in the hands of the Kings, Queens or Chiefs. The leadership of these Kings, Queens or Chiefs was at the pleasure of the people, for a King without his subjects is considered as no King” (Quashigah, 1999:44).

Therefore, the interaction or relationship between the set leader and the people was based on mutual respect and accountability. The Kings were up large to respect and honour his people and vice versa; as opposed to colonial rule which was based on authoritarian or dictatorial approach (Quashigah, 1999:46). In situations where the King is applying authoritarian or dictatorial or tyranny, the people may abandon him and settled in a new place and appoint a new leader to govern them. In some cases the King may be assassinated and pave away for a new King to be appointed by the King makers. An example is King Shaka of Zulu land after his tremendous effort in gain land for his people by expanding his Kingdom by conquering other Kingdoms; he was assassinated by his half-brothers Dingaan and Mhlangana because of his atrocious act against his own people (Morris, 1997:40-108).

Consequently, the authoritarian colonial rule in Africa was either by indirect rule or by the divide and rule orchestrated on the continent by the colonial empires for their selfish interest (Ocheni and Nwankwo, 2012:53; Verweijen and Van Bockhaven, 2020). In contrast, the pre-colonial Africa governance, power was solely in the hands of the people as compared to the colonial authority where power was in the hands of the colonial authorities (Verweijen and Van Bockhaven, 2020). The aftermath of this untold suffering meted on the African population by the colonial authoritarian regime pave the way for the rise of Pan-Africanism, struggle for independence and self-reliance, and the formation of the organisation of African Unity (OAU). The essence for the creation of the OAU was to: promote the unity and solidarity of the African states; coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa; defend their sovereignty, territorial integrity independence states; eradicate all forms of colonialism from Africa; and to promote international cooperation, having due regard to the Charter of the United Nations (UN) and the Universal Declaration of Human Rights (UDHR) (Charter of the OAU, 1963).

Despite the formation OAU as the umbrella organisation to solve the Africa economic and security challenges to achieve quest for *Pax Africana*. The organisation failed to provides *Africa solutions to Africa problems*, most especially in the domain of economic development, and the maintenance of peace, security and stability in Africa after independence. The organisational failure to peacebuilding is stemmed from its core doctrines of non-interference in the internal affairs of member state, the respect for sovereignty and the territorial integrity (OAU Charter, 1963). The prevailing of numerous intra-state conflicts, most notably the 1994 Rwanda genocide necessitated the transformation of the OAU to AU in the 21st century with the aim of maintain peace and security, promote democratic governance, silencing the gun and above economic prosperity among member states.

This article focuses on the AU role in peacebuilding on the continent with the intention of exploring the prospects and challenges in peacebuilding process in Africa. It further argues that the transformation of OAU to AU was to find *African solutions to African problems*. This article has subsections, with next section providing a greater understanding of the theoretical foundation and the historical background of peacebuilding. Followed suit is the exploration of AU role in peacebuilding. Thereafter, an examination of the prospects of AU in peacebuilding and the challenges plaguing the AU in carrying out the task of peacebuilding in Africa; and finally the conclusion summarises of the main argument of this work.

Conceptualisation of Peacebuilding

Peacebuilding commences with the hypothesis that conflict resolution procedures used in families and business disputes are enthusiastically transferable to multifarious, protracted and violent ethno-national and religious conflicts (Steinberg, 2013). However, it is also said that peace is the absent of war which is *negative peace*. On the other hand *positive peace* means a peace that promote reconciliation and coexistence on the basis of human rights, social, economic and political justice. In short peacebuilding refers to processes which aim at strengthening society's capacity to achieve positive peace (Murithi, 2006). However, it can be pointed out that to attain positive peace there must be a change in societal structures that are responsible for conflict (Jeong, 2000:23). Henderson contends that the imitative of security premise have led to a growing understanding of "contemporary security" definitions where non-military matters are given similar weight to their military counterparts (Henderson, 2005:4). Adams argues that the key components of building lasting peace mainly depend on the security and protection of the population under gross human right violation and the contemporary security concept provides an in depth to emerging peace theories (Adams, 2008:16).

As propounded by Immanuel Kant in his essay title *Perpetual Peace* in 1795 notes that lasting peace would occur only when states had civil constitutions that would lead to strong democratic institutions which establishing republics (Ray, 1998:28). Doyle view that for "Kant a republic was a regime that respected private property and established a legal equality among citizens as subjects on the basis of representative government with a separation of powers" (Doyle, 1983:226). President Woodrow Wilson of America was another famous statesman who thought of lasting peace in the aftermath of the First World War (WWI) that lead to the formation of the League of Nations that fails to prevent the Second World War in 1939 (Knutsen, 1992:196-197). Henry Kissinger acknowledges President Wilson philosophy of absolute peace which has dominated the American thought on international politics. Kissinger contends that,

Woodrow Wilson was the embodiment of the tradition of American exceptionalism, and originated what would become the dominant intellectual school of American foreign policy... The idea that peace depends above all on promoting democratic institutions has remained a staple of American thought to the present day. Conventional, American wisdom has consistently maintained that democracies do not make war against each other. (Kissinger, 1994:33-34).

Consequently, the submission made by the then UN Secretary General Boutros Boutros-Ghali in a report title *The Agenda for Peace* to the United Nations Security Council (UNSC) in 1992 pave the way for the contemporary term, peacebuilding to enter the political science lingo. Off course, the report noted four important key areas of building lasting peace which include preventive diplomacy, and peacemaking, peacekeeping and post-conflict peacebuilding that can help and restore last peace in conflict or war zones (Boutros-Ghali, 1992). He argues that there is growing need for intergovernmental organisations such as the UN, AU, ECOWAS, SADC and many others

to provide humanitarian intervention in areas of conflict or war. He further opined that “the UN needed to stand ready to assist in peacebuilding in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil conflict and strife” (Boutros-Ghali, 1992).

The four major areas for maintaining sustainable or durable peace as outlined in *An Agenda for Peace* was defined as follows: *Preventive diplomacy* is an “action to prevent conflicts from arising escalating into a full-blown conflict between parties. Peacemaking is an action to bring hostile parties to agreement, essentially through peaceful means as stated in Chapter VI of the UN Charter. Peacekeeping is the deployment of UN presence in the field, hitherto with the consent of all the parties concerned, normally involving UN military and/or police personnel and frequently civilians as well. Post-conflict peacebuilding is an action to identify and support structures which would tend to strengthen and solidify peace in order to avoid a relapse into conflict” (Boutros-Ghali, 1992). The concept of peacebuilding refers to efforts in the medium to long-term process of rebuilding war-affected communities both political, security, social and economic dimension of a society emerging from a conflict (Murithi, 2006).

Historical background of a conflict illustrated that sustainable peace is attain through processes which begins with preventive diplomacy, peacemaking, peacekeeping operations and finally peacebuilding (Lund 1996:38). The central goal for peacebuilding is to reduce the need for conflict by addressing the problems and damages within a state. The most important task of peacebuilding is mainly on reconstruction of the state and its internal functions (Adams, 2008:18). For any intergovernmental organisations to carry out a successful peacebuilding, the organisation must be fully prepared to covers all the multiple domains in the process.

It is important to point out that a successful peacebuilding is a complex process that is truly interdisciplinary and covers multiple domains including direct security, economic, development, social rehabilitation and political reform (Jeong, 2005:27). Peacebuilding process must be complementary, requiring agencies and actors to have some form of coherent structure or plan. Peacebuilding is not purely about physical reconstruction of the damaged state only, and it however, also needs to cover social reconciliation, forgiveness and healing (Assefa, 2001:336).

In international conflict peacebuilding process actually echoed the applicability of theories of victimhood, forgiveness and reconciliation and all these take the bottom-up approach rather than the elitist top-down approach (Steinberg, 2013:43-45). Coning viewed that for peace consolidation to be self-sustainable it has to be the result of a home-grow, bottom-up and context-specific process and above all forgiveness and reconciliation (Coning, 2013).

According to Hermann (2004:40) “the most salient term that conflict-resolution experts have recently elaborated... is that of *reconciliation*... as the panacea that can rescue us from the shortcoming of the theories and practical blueprints for getting from war to peace”. For instance, the South African Truth and Reconciliation Commission actually demonstrated the transition of apartheid South Africa. In the process of peacebuilding individuals on all sides of the conflict were given “the chance to express their regret at failing to prevent human rights violations and to demonstrate their commitment to reconciliation... Guilt for wrongdoing needs to be translated into positive commitment in building a better society- the healthiest and the most productive form of atonement (South African Ministry of Justice, 1995). In peacebuilding reconciliation is noted to be a “cluster of cognitive and emotional processes through which individuals, groups, societies and states come to accept relationships of cooperation, concession and peace in situations of former conflict” (Azar et al., 1999).

Pre-colonial Africa has indigenous traditional settings for peacebuilding which lead Africans to healing and reconciliation that has further created the basis for re-establishing social solidarity (Zartman, 2000). For instance, the post-conflict peacebuilding process in Mozambique actually used the traditional healing and reconciliation practice to enable warring parties, most especially child soldiers to be integrated into their communities (Murithi, 2006). In Rwanda, the government is currently making use of the traditional justice and reconciliation system called *gacaca* to judge the perpetrators of the Rwanda 1994 genocide (Murithi, 2006).

The post-colonial Africa transcends from colonial dictatorial regimes to another form of politics branded as neo-patrimonialism and clientelism, the impact of Cold War, the peripheral nature of African states in the world economy and encumbered debt burden retarded the promises of economic development and political emancipation for the population of Africa by the liberation leaders (Kabia, 2015:106). The concept of patrimonialism and clientelism actually gave way for a complete concentration of power in the hands of the president and his closest allies. Owing to this the national legislature role of many African independent states were reduced to a rubber-stamp decrees and wishes of the President; sharing of the national cake was in the hands of few elites, whereas marginalisation of some group was the talk of the day (Kabia, 2015:107-108). The consequences of patrimonialism and clientelism in post-colonial Africa led to rise of different forms of intra-state conflicts which hindered Africa's economic development. This increasing number of conflicts during and after the post-colonial and the post-Cold War eras actually necessitated the process of peacebuilding on the continent.

It is due to this security concerns that the members Organisation of Africa Unity (OAU) pledged to settle all conflicts among themselves by peaceful means and, to this end decided to establish a Commission of mediation, Conciliation and Arbitration with the responsibility of peacebuilding intervention on the continent. The composition and conditions of operation by this Commission shall be characterised by a separate Protocol to be approved by the Assembly of Heads of state and government (OAU Charter, 1963: Article 19). Although, the Commission was task with the responsibility to maintain peace, security and stability in peaceful method; however, the Commission responsibility was hindered by the OAU principles of "non-interference in the domestic matters of member states and the respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence" (OAU Charter, 1963: Article 3 (2 and 3)).

Consequently, Kabia contends that conflict response and peacebuilding intervention in member state internal affairs was placed in the hands of sub-regional organisation such as the *Economic Community of West African State* (ECOWAS) to take responsibility for addressing the security and political problems that arose in that sub-region. He further argues that in the face of this unprecedented human right violations and international disengagement from Africa conflicts, sub-regional economic body like ECOWAS was forced to devise *ad hoc* security mechanisms for keeping a lid on these conflicts (Kabia, 2015:113). For instance, amidst the conflict in Liberia and Sierra Leone, ECOWAS designed a Peace Plan which called for the establishment and deployment of ECOMOG intervention force in Liberia in 1990 and Sierra Leone in 1997 (Aning, 1994; Agbo, Lenshire and Boye, 2018).

The end of the Cold War in 1989 and 1990 saw Africa going down the bloodiest path as the dark end of dictatorial regime started smelling the effect of democratisation through the rebirth of multipartism in Africa. This era saw an uprising that led to conflict in Africa and the overthrow of dictatorial regimes (Mutua, 1995:505-506). Lewis asserts that the change in the political sphere in Africa actually brings an untold suffering to the population of Africa as many African countries encountered civil war and ethno-religious conflicts to root out tyranny. For example,

the overthrow of Somalia President Said Barre in 1990 led the fall of Somalia state (Lewis, 2008:71-78).

Furthermore, the 1994 Rwanda genocide coincided with the first democratic elections in South Africa mark the beginning of a new era in the history of Africa as Nelson Mandela was elected as the pioneer democratic president in South Africa. Examining the Rwanda case and the slow nature of the international organisations such as the United Nations (UN) and OAU to intervene in situation of cross human rights abuse, crime against humanity and genocide; he expressed his disappointment to all the African leaders and international organisation for been mute in the eyes of impunity in Rwanda and other African states. Mandela contends that:

It became clear that African need not expect others to come to its rescue and that it should stand for itself more than ever before. At the OAU summit in July 1994 in Tunis, President Nelson Mandela of South Africa expressed the disappointment of the people of the continent in the international community and urged member states to build an African means for responding to the peace and security challenges of the continent: Rwanda stands out as a stern and severe rebuke to all of us for failing to address Africa's security problems. As a result of that, terrible slaughter of the innocent has taken place and is taking place in front of our very eyes. We know it is a matter of fact that we must have it in ourselves as Africans to changes all this. We must, in action assert our will to do so (Cited in Dersso, 2012:20).

President Nelson Mandela raise an awareness that the continent need to take it responsibility to protect its population in case of gross human right violation; and be committed in building strong peace and security mechanisms to prevent, manage and resolve conflict that affect the continent. In order to deal with numerous human rights abuses perpetuated by the dictatorial regimes in Africa, the time has come for sub-regional, regional and international organisations to shift from this old philosophy of 'state security' to the new dimension of 'human security' to safe guard lives and properties (Hutchful, 2008:63). The move from the traditional state-centric security of the OAU to human security met with changes in leadership in the 90s in many African leaders who thought that it was important for them to revisit purpose of Pan-Africanism. Hence, this necessitated the transition of the OAU to the Africa Union (AU) in what we called "*New Pan-Africanism or African Renaissance*".

The Transition of OAU to AU

The new journey of African renaissance first began with the transformation of the OAU and its principal doctrine non-interference to AU and its contemporary doctrine of non-indifference began first by identifying some of the major challenges that affect the continent. These challenges includes security hazard, bad governance, inequality and underdevelopment (Tieku, 2008:2); secondly, the drafting of the Abuja treaty of 1991 which stands as the official aid to the African Economic Communities (AECs), as the building blocks for the realisation of the African Union (Okhonmina, 2009:86); and thirdly, AU blueprint as a regional organisation was intended to achieve a more faster economic integration, social development and the maintenance of peace and security on the African continent (Eghweree, 2014:223).

The OAU ordinary session that was held in Sirte, Libya in 1999 by the Heads of state and government issued a declaration known as the Sirte declaration paving the way for the establishment of the African Union (AU Handbook, 2014). The dream for the new continental organisation was to lay a solid foundation that would lead to finding *African solutions to African problems*. For the leaders to complete the process of establishing the AU before the official launching of the organisation three summits were held: first the Lome Summit of 2000 that adopted the AU Constitutive Act; second

the Lusaka summit of 2001 that drawn the roadmap for the implementation of the African Union; and lastly the Durban Summit of 2002 that marked the launching of the AU which was attended by the Heads of state and government (AU Hand Book, 2014:10).

AU Role in Peacebuilding in Africa

The development of new norms, institutions and the promotion of democratic governance by African leaders and policy makers in the 21st century is evidence that, the new continental organisation is setting a pathway for economic growth and continental integration. Since the creation of the AU in 2002, the Union has calved out a wide array of treaties, protocols and norms linking to issues of peace, security and stability, gender balance, democratic governance, trade, education, and economic development (Karbo and Murithi, 2018:1). In this light, Murithi points out that AU has set out new norms and institutions that will tackle human security problems such as conflicts and other difficult humanitarian conditions and health situations namely: *Human Immuno Virus (HIV)* and *Acquire Immune Deficiency Syndrome (AIDS)*, malaria, tuberculosis and even environmental hazards (Murithi, 2009:94). Powell denotes that the adoption of the Constitutive Act of the AU and the institution of the *Protocol relating to establishing its Peace and Security Council* has up large the Union to set up an African security mechanism that is competent in peacebuilding intervention (Powell, 2005:1)

The modus operandi of the African leaders' transition of the OAU to AU shows their great aspiration and commitment in the maintenance of peace, security and stability on the continent (Mwanasali, 2008:41). In the summit that was held by the Heads of state and government of the OAU/AU in July, 11th 2000 in Lome Togo to adopt the Constitutive Act of the AU, the African leaders actually recognised “the fact that the scourge of conflicts constitutes a major impediment to the socio-economic development of the continent and it is necessary to promote peace, security and stability as a prerequisite for the implementation of our economic development and integration agenda” (AU Constitutive Act, 2000).

As a means to express their Pan-African solidarity to member state that are in conflict, these leaders adopted the new doctrine of non-indifference as opposed to the old doctrine of non-interference in the member state internal affairs (Mwanasali, 2008:41). This new doctrine of non-indifference is guided by Article 4 (h and j) of *AU Constitutive Act (AUCA)*. The normative guidance of the AU doctrine of non-indifference holds that the Union has the legal right to intervene in a member state pursuant to a “decision of the Assembly in respect of grave circumstance, namely: war crimes, genocide and crimes against humanity; and the right of member states to request intervention from the Union in order to restore peace and security” (AU Constitutive Act, 2000). This normative concept of non-indifference provides the operational modalities and institutional authorisation for the AU to take preventive measures in areas affected with conflict in Africa (Mwanasali, 2008:42-43).

The AU doctrine of non-indifference was coined by African Union Commission Chairperson Alpha Oumar Konare. He put forward that the doctrine of non-indifference would be used as the legal instrument to justify the Union intervention in the member state internal affairs in case of gross human rights violation to protect civilians from the hands of tyranny (Konare, 2007). The called to African leaders was to take high responsibility in preventing and resolving conflict in Africa; it was also another way of informing the leaders that they cannot be indifference while atrocities are been committed on the continent by dictatorial regime. Konare also contends that “the primary responsibility for ensuring peace in Africa belongs to Africans themselves. Africans must shoulder that responsibility. Our partners must let Africans run their own affairs. Africa is no longer a private hunting ground or anyone's backyard; it is no longer a part of the Great

game; and it is no longer anyone's sphere of influence. Those are the few simple rules that would allow the continent to shoulder its responsibility and to demonstrate inter-African solidarity" (Konare, 2007).

Subsequently, the strengthening of the *Regional Economic Communities* (RECs) and *Regional Mechanisms* (RMs) by the Abuja treaty was an approach made by African policy makers to collaborate and harmonise with AU peace and security machinery to respond to conflict and peacebuilding intervention on the continent. It is worthy to note here that for effective implementation of the doctrine of non-indifference, the AU peace security mechanism would collaborate, harmonise, co-ordinate and co-operate with the RMs in order to promote and maintain peace, security and stability on the continent as stipulated in Article 7(j) of the PSC Protocol (AU PSC Protocol, 2002). It is also indicated in the AU Constitutive Act Article 3(l) that the Union shall coordinate and harmonise the principles that would guide the existing and future RECs for the gradual attainment of the objectives of the Union (AU Constitutive Act, 2000).

The approval of the *Protocol relating to the establishment of the Peace and Security of the African Union* was a mechanism created by the organisation to provide effective peacebuilding initiative on the continent. The creation of AU PSC witnessed the replacement of the old dysfunctional OAU central organ of the *Mechanism of Conflict Prevention, Management and Resolution*. The PSC was a Union institution that was put in place to implement the doctrine of non-indifference to attain the quest for *Pax African* and to make sure to enforce the norms and principle as agreed to by member states of the African Union (Mwanasali, 2008:42). The AU PSC is viewed as the Union standing organ for conflict prevention, management and resolution. In this regard, the PSC is a collective security mechanism and early warning deal with the capability to facilitate effective and efficient rejoinder towards conflict situation in Africa. Its main central duties are to conduct early warning and preventive diplomacy; facilitate peace-making, peacekeeping and further recommend intervention in member state to promote peace security and stability. The PSC also support the initiative of peace-building and post-conflict reconstruction as well as humanitarian action and disaster management (AU Hand Book, 2014:29).

Powell notes that the AU contemporary security system is permitted to work within the scaffold of the developing structure of the AU; and the security system is up large to carry out the functions relating to conflict prevention, management and Resolution (Powell, 2005:9). Article 3 of the PSC Protocol underlined the purpose of the PSC as follows: the promotion of peace, security and stability in Africa; to prevent conflicts and even undertake the responsibility of peace-making and peace building functions for the resolution of conflicts; promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence; co-ordinate and harmonise continental efforts in the prevention and combating of international terrorism in all its aspects; develop a common defense policy for the Union; and promote and encourage democratic practice, good governance and the rule of law, protection human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts (AU PSC Protocol, 2002).

For effective and efficient response to peace-making, peacekeeping, peace building and post-conflict reconstruction, the AU PSC Protocol has set forth with accuracy the *African Peace and Security Architecture* (APSA) which is made up of the *Panel of the Wise* (*Eminent African Personality* (EAP)); the *Continental Early Warning System* (CEWS); *African Standby Force* (ASF) with a military committee (that offers advice on deployment and security requirements); and an AU peace fund (Karbo and Murithi, 2018:6). The materialisation of APSA is the commitment shown by African leaders to institute operational machineries to accomplish decision related to peace and security

in accordance with the power bestowed in Article 5(2) of the AU Constitutive Act (African Union Assessment Report, 2010:19).

Peace and Democracy are the fundamental elements for sustainable human growth and development. The lack of sustainable peace and democracy in some Africa countries is as a result of the patrimonial and client politics, corruption, marginalisation, inequality that exists in many African states. The high quest for the promotion of democratic governance and human development in African states has been the preoccupation of the African Union (AU). For AU to achieve its purpose of promoting democratic governance, the Union has put in place normative framework and institutional mechanisms to speed up democratic governance in Africa. According to the *International Institute for Democracy and Electoral Assistance* (IIDEA), the normative scaffold and institutional mechanisms are very important in strengthening democratic governance in member states, sub-regional and continental levels (International IDEA, 2016a:1).

The AU Constitutive Act is the central document for the promotion of democratic governance as defined in its objectives and principles. Article 3(g and h) of the Act denotes that the Union shall “promote democratic principles and institutions, popular participation and good governance; and protect human and peoples’ rights in accordance with the *African Charter on Human and Peoples’ Rights* (ACHPR) and other relevant human rights instruments”. The Act further notes in Article 4(m and p) that the Union should urge member states to respect democratic principles, human rights, the rule of law and good governance; and condemn the unconstitutional changes of government (AU Constitutive Act, 2000).

According to *African Charter on Democracy, Elections and Governance* (ACDEG) democratic governance is the process of promoting good governance through a transparent and accountable administration with strong political institutions that is cemented in the tradition of democracy and peace under a favourable situation with the participation of civil society organisations under the framework of the law; and the inclusion of the civic education and educational program; respect of the rule of law and human rights as stipulated in ACHPR and other important international instruments (ACDEG, 2007). In reality the definition of democratic governance should include elements such as freedom of speech, association and of the press; transparent, free and fair electoral processes; and the separation of power.

On the other hand, the World Bank views good governance as “the manner in which power is exercised in the management of a country’s economic and social resources for development” and state institutions should be liable for accountability and the fight against corruption (World Bank, 1991). Whereas the UNDP policy document also views good governance as “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels of the government”. It comprises mechanism, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences (UNDP, 1997). Therefore, Qudrat-I Elahi argues that democratic governance “is a political system that incorporates into the nation of governance, not only efficient processes, but also principles and institutions that secure the civic rights and freedoms of all people, including the poorest of the poor and the marginalised groups” (Qudrat-I Elahi, 2009:1169).

Consequently, the promotion of democratic governance in the national, sub-regional and continental levels by the AU ensure good governance and peace which are the prerequisites of economic growth and human development. The elements of good governance range from the respect of the rule of law and human rights protection; competence administrators; legitimate government; administrative responsibility, accountability and transparency; effective decision making, implementation and service delivery (UN Committee of Experts on Public Administration,

2006). The AU attainment of good governance required a visionary leadership that is equipped with integrity, innovation, prudence, people centeredness, honesty, efficiency and effectiveness. More so, this visionary “leadership can set out visions, provide selfless and capable leadership to turn the fortunes of the continent around” (Rylander, 2010).

Though AU has place high commitment in the promotion of democratic governance, some African leaders have indulged in the national constitutional amendment in their various states to scrap out the presidential term limit to extend their mandate in power. For example, the Cameroon 1996 constitution was manipulated by President Paul Biya regime in 2008 in changing the presidential term office to prolong his staying in power. Leaders such as Blaise Compaoré of Burkina Faso, Omar Bongo of Gabon, Idriss Deby of Chad and Perrier Nkurunziza of Burundi have manipulated their national constitution to prolong their staying in power and the AU just went mute despite all the normative framework that are outline in the AU documents to promote democratic governance (Tieku, 2008:7).

The New Partnership for African Development (NEPAD) was established by the AU as a continental organ of the OAU/AU to eradicate poverty and create a roadmap for sustainable growth and development to individuals and African states, and more so to partake in the world politics and economy on equal basis (NEPAD, 2002:1). Landsberg contends that the “commitment to new developmental paradigm by Africa leaders indicate a strong relationship between development on the one hand, and governance, democratisation, and peace and security on the other. The paradigm espoused by NEPAD puts the challenge of poverty alleviation, and addressing underdevelopment at the core of a new Pan-Africanism in Africa” (Landsberg, 2008:208). NEPAD Declaration has herald the commitment of the heads of state and government of the member states of the AU to articulate decision making processes in pursuit for the following purposes; the promotion of democracy and good political governance; economic and corporate governance; socio-economic development; and African Peer Review Mechanism (NEPAD, 2002:3).

The three elements for governance as stressed in the NEPAD document are: economic and corporate governance; political governance; and peace and security as the prerequisite for economic and human development. NEPAD is observed as an AU organ to portray the African states moral contract among the G8 while attempting to promote democratic governance by undergoing political reforms and free market economic principles, whereas the G8 will support Africa states to hold firm to good governance, human rights, poverty alleviation and economic growth and human development (Akokpari, 2004:246). In this regard, African leaders pledged to commit themselves to the promotion of democratic governance and its central principles. Their refurbished determination is to implement the following principles; the respect for the rule of law; the equality of all citizens before the law and the liberty of the individual; individual and collective freedoms, including the right to form and join political parties and trade unions, in conformity with the constitution; equal opportunity for all; the inalienable right of the individual to participate by means of free, credible and democratic political processes in periodically electing their leaders for a fixed term of office; and adherence to the separation of powers, including the protection of the independence of the judiciary and of effective parliaments (NEPAD, 2002:3-4).

NEPAD ideology of democratic governance is highly driven and influence by the philosophy of African renaissance. As cited by Landsberg “African renaissance was essentially a political, social and economic vision for continental renewal. As a vision, African renaissance sought to establish genuine and stable democracies in Africa, in which systems of governance will flourish because they derive their authority and legitimacy from the will of the people” (Cited in Landsberg, 2008:209). NEPAD, just like the “African renaissance, is based on the philosophy that Africa’s

social, economic and political challenges can be addressed by continental initiatives, backed by external assistance” (Landsberg, 2008:209).

NEPAD potency in the promotion of democratic governance has energised the civil society organisation in African to participate in African politics, states and governments in order to intensify the practice of democratic processes, good governance and the respect of human rights; and this will help to foster economic and human development on the continent. NEPAD was instituted as a developmental catalyst for African states and the people of Africa. Sen points out that “development requires the removal of major sources of poverty as well as tyranny, poor economic opportunities as well as systematic deprivation, neglect of public facilities as well as intolerance or over activity of repressive states” (Amartya, 1999:3). NEPAD has been the umbrella organ of the AU to promote democratic governance and economic and human development on the continent. It is worthy to say that the coordination between the AU and NEPAD on democratic governance has lead to the creation of *African Peer Review Mechanism* (APRM) to promote democratic governance in Africa.

The APRM was created in 2003 as the AU structure with its central responsibility been to facilitate the voluntary evaluation and monitoring of the level of governance in the AU member states as stipulated in the *Declaration on Democracy, Political, Economic and Corporate Governance* (DDPECG) and the *African Charter on Democracy, Elections and Governance* (ACDEG) (NEPAD, 2003). Mangu contends that APRM is under the authority of the Committee of Participating Heads of State and Government; most of the tasks of APRM are in the hands of the *Independent Panel of Eminent Persons* (IPEP) (Mangu, 2014:63).

According to Akokpari the creation of the APRM was for member states of the AU to hold on to the principle of good governance as enshrined in NEPAD and other AU documents. ARPM is mandated to overseas the facilitation, implementation and the monitoring of good governance as affixed of signatures to multilateral accords such as the *African Charter on Human and Peoples’ Rights* (ACHPR); the *African Charter for Popular Participation in Development* (ACPPD); *African Charter on the Rights and Welfare of Child* (ACRWC); *Declaration and Plan of Action for the Promotion and Protection of Human Rights* (DPAPPHR) and other relevant international instruments. As a matter of fact the ARPM has chanted a new way forward for the promotion of democratic governance against ethno-religious politics that existed on the continent. In this regard, the APRM has open up for the creation of an Independent Panel of Eminent Persons (IPEP) whose task is to review and assess governance situation in Africa (Akokpari, 2004:253).

Heyns and Killander underscore that the APRM process of review and assessment is made up of five stages: stage one which is the “preparatory stage is both at the level of the APRM Secretariat and the national level. This stage provided for the study of the political, economic, and corporate governance and development environment in the country to be review; stage two is the review team visit to the participating country to carry out the widest possible range of consultations with the government, officials, political parties, parliamentarian, and representative of civil society organisation and not forgotten the media, academia, trade unions, business and professional bodies; stage three is the drafting of the country review report on the basis of the briefing material prepared by the African Peer Review (APR) Secretariat and the information gathered in stage two; stage four begins with the submission of the final country review report, plus the final programme of action to the APR forum through the Secretariat and the Panel; and stage five which the final stage of the APRM is the formal, and public tabling of the report in key sub-regional and regional structures such as the *Pan-African Parliament* (PAP), the *African Commission, the Peace and Security Council*, and the economic, Social and cultural Council of the AU within six upon conclusion of the report by the APR Forum” (Heyns and Killander, 2006:298–30).

The 14th ordinary session of the heads of state and government of the AU held in Addis Ababa, Ethiopia in February 2010, the Assembly mandated the Union to established a Pan-African Governance architecture which was later ward created as an African Governance Architecture (AGA), with the sole aim of enhancing the coordination among AU organs and institutions with the commitment to promote democratic governance and human rights in Africa (Karbo and Murithi, 2018:6). The AU Department of Political Affairs in collaboration with the AU Commission has been mandated to promote and support democratic governance, respect for human rights and humanitarian issues. However, the Department has shown it commitment in the prevention of election associated crisis. It further support and advance democratic governance, the rule of law, the respect for human rights, accountability, transparency, and guarantee the implementation of the AGA (International IDEA, 2016a:2).

The importance of establishing this organ was for the member states of the AU to continuously hold on to it primary “responsibility of building and consolidating governance based on the recognition that a strong and effective AGA requires solid, functioning and accountable national structures” (AU, African Governance Platform, 2013:7). Therefore, the creation of the AGA by AU within the *Secretariat of the Department of Political Affairs* is observe as “the central coordinating mechanism for monitoring compliance and implementation of agreed standards as embodied in the *African Charter on Democracy, Elections and Governance*” (Karbo and Murithi, 2018:7). AGA is generally observed as the prospective political and institutional framework for the promotion of democratic governance in Africa.

Prospects and Challenges

The prospects of the AU is to put lasting end to post-electoral conflicts, end unconstitutional changes of government, maintained peace, security and stability and to restore constitutional and political democratic governance on the continent, although faced with numerous challenges. In executing all these, the AU has put forward progressive agenda that commit the organisation to intervene in conflict situations in Africa. For AU to carry out its mandate of ending post-electoral conflicts, maintenance of peace and security and to end the unconstitutional changes of government on the continent, the Union adopted normative principles that would pave the way for AU to intervene in conflict affected areas in Africa (Mathew, 2018:22). Secondly, the Union also established the African Peace and Security Architecture (APSA) that would help to implement the normative principles in peacebuilding intervention in conflict situations on the continent (Mathew, 2018:23)

According to Mwanasali the applicability of AU normative principles and the adoption of the *Protocol relating to the establishment of Peace and Security Council (PSC)* is commitment made by leaders of member states of the Union to focused on developing an agenda for post-conflict reconstruction and development in post-conflict polities in order to uphold peacebuilding and to advanced economic development through reconstruction; whereas fused peace to prevent relapse to conflict (Mwanasali, 2008:50). It is important to note here that it is the responsibility of African leaders and their governments to ensure the safety of populations and the continent by strengthening institutional capabilities as well as establishing a favourable environment for a peaceful management and resolution of conflict (Mwanasali, 2008:50).

In the area of unconstitutional changes of government the Constitutive Act of the AU in its Article 4(p) condemns and rejects unconstitutional changes of governments on the continent. More so, the Union may apply political and economic sanction or suspension to member states that carry out unconstitutional changes of government (Constitutive Act, 2000: article 30). In situation of such action the AU would use its peace and security machineries to implement its doctrine of

non-indifference to restore the state to constitutional order and political democratic governance with the respect of the human rights and the rule of law.

Challenges

In international law sovereignty stands as an international norm to defend independence of a particular state. The Charter of the OAU in its Article 3 (2 and 3) stipulated that no state had the right to interfere in the internal affairs of a member state; and the defend of sovereignty and territorial integrity at independence (OAU Charter, 1963); whereas the AU Constitutive Act make this clear in Article 3(b) declared that the Union shall defend the sovereignty and territorial integrity and independence of the its member state. Article 4 (g) of the Constitutive Act also declared non-interference in the internal affairs of a member state; but Article 4(h) mandated the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crime against humanity (AU Constitutive Act, 2002). Sovereignty according to Makinda and Okumu is defined into three ways: the first been the “juridical sovereignty which indicated states recognition through international polity”; the second type is the “empirical sovereignty which is based on the understanding that states have the right and ability to control the people, resources and all activities within their borders”; and the third type is the “popular sovereignty which is based on the normative claim that all human beings ought to receive the same basic rights and a state’s authority is earned through respecting and protecting these rights” (Makinda and Okumu, 2008).

The ongoing challenge face by the AU today is due to the fact that some African leaders are still keeping behind their mind the juridical sovereignty of Africa states at independence while cause impunity on the masses on the continent. Whereas the AU through it Article 4(h) has shifted from the juridical sovereignty to popular sovereignty which respect and protect human rights and property in situation of anarchy in a member state of the African Union (Farmer, 2012:94-95). This indicated that the AU has shifted from protective sovereignty of state security to the sovereignty of human security. As Bellamy denotes that the concept of human security has brought about contemporary change in state-centric identities and interest to the responsibility to protect the population from human rights violations (Bellamy, 2013:343; Farmer, 2012:95). Notwithstanding the new dimension been taken by the AU PSC to responds to cases of gross human rights abuses; some AU heads state are still adamant to respect human rights and promote democratic governance. Leaders such as Yoweri Museveni of Uganda and Paul Biya of Cameroon are still holding firm to sovereignty doctrine and territorial integrity because they are indulge in crime against humanity and genocide in their various countries. For example the quietness of AU towards the recent conflict in the two English speaking regions of Cameroon indicated that AU is still respecting Cameroon sovereignty and territorial integrity while innocent civilians are been slaughter and villages and town been burnt by the Cameroon military. It is also important to note that the presidents of these two countries and many others have changed the national constitution term limit to prolong their stay in power for ever; and AU quietness to apply sanction on these leaders for violating the democratic principles which the AU stands to promote in Africa is a challenge to the Union.

In a workshop report organised by the international Institute for Democracy and Electoral Assistance (IIDEA) in 2016; it was noted that most African states are still grappling with matters connecting to the role of military in the governance processes which is tantamount to the rule of law. As such, the rule of law which is one of the pillars of democratic governance will face a negative setback in the promotion of states, sub-regional and continental democratic governance. Mishika and Mebenga who were among the panel speakers point out that “the rule of law is

sometime impacted upon by ethnic relations and in the use of religion by different political actors. While on the other hand the state itself faces a crisis of legitimacy as it often fails to deal with the challenges of poverty and the effective service delivery” (IIDEA, 2016b:14). The lack of rule of law can be stemmed from an unstable or weak judicial system which is highly dominated by the executive arm of the government (IIDEA, 2016b:14). The dominance of the executive over the judiciary in many African states is because most if not all of the judges on the judicial bench is politically appointed by the executive rather than appointment on meritocracy. It is important to note that states that respect the rule of law as the procedural requirements of democratic governance actually preserved the independence of the judiciary and the freedom of the media. However, in situation where the executive power is dominance as oppose to the judiciary, the judicial independence is lost because of the political pressure and intimidation from the executive (IIDEA, 2016b:15). Most African states are liable to conflicts because of the lack of the rule of law. Any country that does not respect the rule of law would eventually result to anarchy.

The *Protocol relating to the establishment of the Peace and Security Council of the African Union (AU)* in Article 21 establishes the peace fund for the AU to finance its peace and security mission on the continent (AU PSC Protocol, 2002). The Peace fund is used by the AU PSC to sponsor operational activities such as the preventive diplomacy and mediation, institutional capacity and peace support missions. In the summit of the Heads of state and government held in Kigali Rwanda, in July 2016, the AU High Representative of the Peace Fund, Donald Kaberuka, presented his report on the finance of the AU and the Peace fund. It was against the pitfall of membership contributions that the Assembly took a decision that 0.2 percent levy will be imposed on any goods imported into the continent which could be amounted to US\$325 million in 2017 and with an increase to about US\$400 million in 2020 (Apuuli, 2018:161). However, many AU member states are still reluctant to contribute their own fair share of the peace fund and this has caused the Union very vulnerable in the hands of outsiders to finance and control the activities of the AU PSC. Apuuli argues that the failure of AU member states to contribute their own share of AU peace fund has cause the Union to over dependent on its partners to support financially and this has affected the implementation of ‘African solution to African problems’ (Apuuli, 2018:170).

Conclusion

The paradigm shift OAU and its norms and institutions which have failed to maintain peace and security and to restore constitutional and political democratic governance to. The OAU, its norms and institutions were transformed to AU to develop new norms and institution that would resolve the scourge of conflict that has destroyed lives and properties for many years; and to promote democratic governance. The prospects of the AU to maintain peace and security on the continent lies in the implementation of its doctrine of non-indifference by the AU PSC mechanisms that would bring about peacebuilding intervention in areas of conflicts that are a barrier to African development. In the promotion of democratic governance the Union has put placed norms in the Constitutive Act, the African Charter on Democracy, Elections and Governance, African Charter on Peoples’ and Human Rights to promote democratic governance at the level of the member states, sub-regional and regional level. The NEPAD was established by the Union to promote democratic governance, economic growth and human development in Africa. Whereas the African Peer Review Mechanism (APRM) was created to monitor and evaluates the level of democratic governance at the level of the member states, sub-region and regional level. Notwithstanding the prospects of norms and institutional building in preventing, managing and resolving conflicts; and to promote democratic governance; the Union is still faced with enormous challenges to completely bring about peace, security and stability and to promote democratic governance in Africa.

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