Research Article

African Union (AU) and the Governance Question in Africa

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Abstract

The African Union (AU), previously known as the Organization of African Unity (OAU), was founded with a primary objective – to foster unity and strength across the African continent. However, the OAU faced significant challenges that impeded the realization of its mandate, necessitating reform and reorganization. Consequently, the African Union (AU) emerged, triggering inquiries into its effectiveness in fulfilling its intended role. This paper embarks on a comprehensive examination of the African Union, evaluating its impact on Africa's path towards resilience, unity, and progress. The evaluation meticulously considers numerous member nations' complex socio-economic and political imbalances. Pertinent issues such as conflicts, corruption, and insecurity have posed formidable challenges to the AU's accomplishments. The paper employs an interrogative reconstruction approach to analyze the AU and its achievements critically. By posing essential questions regarding the AU's performance, it aims to provide insights that can illuminate the way forward for Africa. This journey entails asserting Africa's rightful place among the world's continents while navigating the intricate landscape of international relations.

Keywords: African union; governance; Africa; advancement.

1. INTRODUCTION

It is interesting to note that conflict, the various attempts at either ending it or preventing further occurrence, and the need to engender international cooperative efforts among states and alliances among state entities have led to the birthing of virtually all of the world bodies or organizations today. The history of Intergovernmental Organizations (IGOs) will recall that what can be referred to as the first IGO was established in 478 B.C. when the Greek city-states established the Delian League to create a unified response to the threat from Persia (Rourke & Boyer, 2008). The 1648 Peace of Westphalia, which ended the Thirty Years War and also ended the secular authority of the Pope, led to the emergence of the sovereign and independent territorial state system. By the 1950s, when the European states started to integrate, and later in February 1992, when the Maastricht treaty on European Union (UN) was signed, another step was taken: a step away from the absolute sovereign control of states over their territory towards the assertion of authority by supranational institutions or organizations.

The history of world politics since the inception of the Westphalia Treaty has primarily been one of the interactions among them in the form of cooperation (political, economic, and cultural). Nevertheless, states have remained the world's dominant political organizations, and their interests, capabilities, and goals have significantly shaped world politics. However, states dominance of world politics is increasingly being challenged as world affairs are now being influenced by organizations that transcend national boundaries: universal, continental, and regional organizations such as the United Nations (UN), World Trade Organization (WTO), UNESCO, European Union (EU), African Union (AU), Economic Community of West African States (ECOWAS) and many others. Diverse in scope, size, purpose, and membership, these organizations, as actors in world politics, increasingly perform independent roles and exert global influence. The cooperative activities of these "networks of interdependence" span the entire range of global issues such as trade,

defense, disarmament, economic development, agriculture, health, culture, human rights, the arts, illegal drugs, tourism, labor, women's plights, education, debt, the environment, crime, humanitarian aid, civilian crisis relief, telecommunications, science, globalization, immigration, and refugees, to name a few prominent ones (Jacobson, 1979).

Many reasons have been given for the growth of IGOs, prominent of which are six (6) reasons such as increased international contact among states, increased global interdependence, the expansion of transnational problems, the failure of the current state-centered system to provide security, the efforts of small states to gain strength through joint actions and finally, the successes recorded by existing IGOs. Abbot and Snidal summarize the appeal that IGOs have that through IGOs, countries "can achieve goals that they cannot accomplish alone" (Kegley Jr & Wittkopf, 2004). As Hoffman has also put it, "the complexity of the current international scene makes a fair and effective system of world governance more necessary than ever" (Abbott & Snidal, 1998). Thus, going by the number of such IGOs and their reach, it would be fair to say that the world is moving and should continue toward a more established form of international government (Hoffmann, 2003).

Despite this, there are critics against global governance. First is the issue of practical barriers posed by the fact that nationalism is too strong and that neither political leaders nor the masses would be willing to surrender substantial sovereignty to a universal body. Second is the issue of political objections that global governance would entail the concentration of power on one body necessary to enforce international law and address the world's monumental economic and social problems. Third is the doubt whether any such government, even given the unprecedented power, could succeed in solving the world's problems any better than states can. Fourth is that global governance's centralization would inevitably diminish desirable cultural diversity and political experimentation worldwide. Fifth is the worries about the preservation of democracy, which goes contrary to the centralization of power in a central body and which makes the seizure of government by an authoritative force a possibility, thereby rolling back the years of democratic evolution. (Tabb, 2004).

This paper is divided into six sections. Immediately following the introductory section, the section looks at the transition from OAU to AU, pointing out the factors responsible for this. The following section attempts to explain the concept of governance, especially the trajectory and relationship between governance, good governance, and democracy. The following section looks at the problems of governance at the state level before looking at the role of the AU in governance in Africa, and after that, we conclude the chapter.

2. THE TRANSITION FROM OAU TO AU: FALSE START TO FRESH START?

It is now a historical fact that on May 25, 1963, in Addis Ababa, when the representatives of 32 governments met, the Organization of African Unity (OAU) emerged as a consensus. Twenty-one states have joined gradually, with South Africa becoming the 53rd member in 1994. OAU was formed against the backdrop and realization that this organization was necessary to liberate African states and the entire continent from the ravages of colonialism and racism. To realize this, it was concluded that African states must be united under an umbrella organization that will seek their interests first and above all other considerations. Since then, OAU has helped foster solidarity among the newly emerging independent states and preserve the idea of a sovereign border. However, weighed down with debts and bureaucracy and due to its policy of non-interference in its member states' domestic and internal affairs, the OAU has grossly failed to prevent both internal genocidal conflicts and between members or even challenge dictatorial regimes and governments.

Given these perceived inadequacies of OAU to effectively monitor its members, 53 years later, on July 9, 2002, 43 African heads of state met in Durban, South Africa, to dissolve OAU and transform or rename it the African Union. The newly renamed organization aims to unify its 53 member states politically, socially, and economically to attract foreign aid and investment by promoting democracy, human rights, and good governance. In his opening speech, the first chairman of the Union, Thabo Mbeki, the president of South Africa, stressed how democracy, good governance, and respect for human rights are prerequisites for development. Thus, given the recognition of the need for development, the leaders' path towards it became controversial. For instance, while Mbeki and Nigeria's Obasanjo envisaged that Africa might not be

able to do away with foreign aid, they insisted that the aid would be attracted under the purview of the New Partnership for Africa's Development (NEPAD) through peer review committee system ensures that members comply with standards of good governance and fiscal responsibility. Thus, implicit in their vision of the new organization is the fact that NEPAD would play a key role. In a counterbalance to the views of Mbeki and Obasanjo, Gaddafi and others felt that NEPAD would put Africa's needs at the whims and caprices of the West. Gaddafi's alternative vision was that the AU should be a shield against Western imperialism and encroachment on Africa and urged that African states should look inward for development and reject foreign aid; "We accept help, but we refuse conditions. We are not pupils who need someone to teach us" (Rourke & Boyer, 2008). Gaddafi's prominence in the newly formed AU came in the wake of his failures in the Arab League, and his ambition to be the first president of the United States of Africa with the headquarters of the AU in Sirte (Libya) was not hidden (Carbone, 2002). African leaders convened on September 9, 1999, for an extraordinary session of OAU in Sirte, and what is now known as the Sirte Declaration became the Constitutive Act to govern the Union.

Of equal importance was the acceptance of the tenets and philosophies of liberal democracy by the leaders at Durban. The leaders committed to holding periodic fair and free elections, allowing opposition parties to campaign freely, and setting up independent electoral commissions to monitor polls. This has led to the emergence of a new crop of African leaders who not only have adopted democracy as a vehicle for development but have also made open commitments to its establishment in their respective countries. Perhaps in a show of this commitment, Africa witnessed the 1990s 42 out of 48 sub-Saharan states conducting multiparty elections against only four states in the 1980s. Modeled along the lines of the European Union, the various organs, procedures, and institutions of the AU were also agreed upon at the Durban Summit. For instance, it was agreed that the AU would comprise all African states except Morocco, which withdrew from OAU in 1982 when the body recognized and accepted the Saharawi Democratic Republic. The newly formed AU will have an Assembly, a Central Bank, a Commission, a Court of Justice, a Parliament, and a single currency. The Assembly, which will be the supreme organ of the organization, will be composed of all the heads of state and government forming the Union. The Commission will assist the Assembly in the government of the Union. Its mandate should cover political and economic integration, but its actual power and the role of the chairman will depend mainly on the resources it will receive. An important decision was made at the last minute: it was decided that five of the 10 Commissioners would be women. This represents a change from past and present practices: indeed, none of the 53 African heads of state is a woman. Women were completely absent from the structure of the OAU. Thus, Africa has become the only continent in the world committed to gender equality. Of crucial importance in the establishment of the organs of the Union is the challenge to move away from the overly state-centric character of the OAU and its concomitant lack of civil participation. The cooperation of African NGOs, civil societies, labor unions, and business organizations is essential in the cooperation and implementation of the Abuja Treaty, as was expressed in the Ouagadougou Declaration and provided for in the Sirte Declaration.

Whereas the OAU was, in principle, a political organization that also discussed matters of economic and social concern, the African Union should be an organization aimed at economic integration and social development, which should lead to political unity. An essential new institution is the 15-member Peace and Security Council. Structured along the United Nations (UN) Security Council model, the Council is tasked with preventing, managing, and resolving conflicts among member states. Its composition comprises five semi-permanent members (one per region) and ten elected members for two-year terms. Unlike the OAU, the AU will have the right to intervene in gross human rights violations and crimes against humanity.

For this reason, the formation of a peacekeeping force drawn from African armies has been planned. Only time can judge whether the present AU is the right means to shape Africa's future. The enormous challenge the AU faces confirms that change cannot happen overnight. The African Union succeeded an organization widely criticized for its inability to mediate the continent's conflicts. The most critical element of the AU is its authority to intervene in the internal affairs of member states. The issue now is whether the AU will be able to use its new powers or whether the competing interests of its leaders will paralyze it. Nevertheless, despite some initial skepticism, the African Union opens a new era for Africa, where peace, democracy, and good governance are finally considered the necessary prerequisites for development.

3. CONCEPTUALISING GOVERNANCE

It must be appreciated from the onset that governance is differently conceptualized in the literature. As Pierre and Peters have noted, it is a notoriously slippery concept, frequently used by social scientists and others without a concise definition or agreement on its precise meaning (Agara, 2010). However, the range of usage of the term makes it possible to categorize its definition into two types. The first is the term in a technical sense, which is borrowed from the corporate world and, therefore, is used to imply the efficient management of state institutions. The technical definitions of governance include the issues of public accountability, transparency in government procedure, rule of law, and public sector management. The World Bank has adopted these restricted but technical definitions. These definitions focus on governance as a means of disciplining the state and its institutions for economic purposes. In this respect, governance becomes the political construct of a minimalist state.

The second category in using the term points to governance as a holistic concept transcending the state and its institutions. In this respect, governance steers the state and society toward realizing collective goals. These second types of definitions stress the dynamic but problematic and sometimes contradictory relationship between the state and the society (Pierre & Peters, 2020). In this respect, the United Nations Economic Commission for Africa (UNECA) has defined governance "as a process of social engagement between the rulers and the rules in a political community." The United Nations Development Program (UNDP), in 1997, viewed governance as "the totality of the exercise of authority in the management of a country's affairs, comprising of the complex mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, and mediate their differences. It encompasses the political, economic, legal, judicial, social and administrative authority, including government, the private sector and civil society."

At another level, governance has been seen as "decisions that define expectation, grant power or verify performance" (Balogun, 1998). This conceptualization implies that governance enjoys some form of legitimacy and is participatory because its decisions are based on shared or collective expectations, which can only be realized through the active participation of all citizens. In this respect, there seems to be a corollary between governance and democracy, at least to the extent that the citizens grant power to their representatives whose performance they assess through either renewal or denial of the mandate at regular intervals. To scholars of democracy, this fact is reified as one of the main pillars of democracy. The World Bank has also defined governance as the "exercise of political authority and the use of institutional resources to manage society's problems and affairs, the use of institutions, structures of authority and even collaboration to allocate resources and coordinate or control activity in society or the economy" (Diamond, Linz, & Lipset, 1995). This definition emphasizes the structural perspective of society but recognizes that institutions of government derived their power legitimately from the people and have a central role to play in governance. Implicit in this definition is that while institutions of the state exercise governance through legitimate political authority in deploying the state's resources, they are expected to collaborate with other stakeholders in allocating these resources and solving societal problems. Hence, governance is not individualistic but collective, even though it has acquired this unfortunate individualistic character in Africa. However, it is tough to separate governance, which may be seen as a purely political activity, from managing a state's economy. Manu has defined governance as "how socio-economic power is exercised in managing affairs within a community" (Manu, Alhabsji, Rahayu, & Nuzula, 2019). This definition links governance with the socio-economic management of the state. Thus, to talk about governance, a state must include the structures and institutions to manage every sphere of public affairs and the people handling these structures and institutions. Put concisely, "When we talk about governance, we talk about policy formulation, execution, and evaluation. We are talking about regulations, rules, performance, participation, accountability in general terms, not only limited to financial matters" (Saliu, 2010).

Regarding Africa and Nigeria, scholars have attempted to distinguish between governance and 'good' governance, thus implying that one is better and more desirable. For instance, Adejumobi has argued that good governance flows logically from the concept of governance (Adejumobi, 2004), implying that governance may be 'good' or 'bad.' However, Ahmed Mohideen has argued that governance becomes good when it follows legal and ethical principles conceived by society. (Mohideen, 1997). As Adejumobi has further explained, good governance is a normative concept by which society seeks to provide a guide and direction through standards and norms embedded in the governance idea (Adejumobi, 2004). Thus, inclusive in the notion of good governance should be the urge to steer the state, its institutions, and the whole

society according to stated and defined rules, procedures, and regulations, which would ensure that governance serves the best interest of the most significant number of people in society by involving them in the process involve in governance. The linkage between governance and the state is apparent because every state system has institutions that steer, direct, or propel the state in a particular direction. However, the concept of governance goes beyond the state because the state merely constitutes one of the actors in governance analysis, albeit a significant actor. There is also the recognition of the various stakeholders in governance, which may be corporate or individuals, the private sector, and civil society. Despite this, governance is central to the smooth running of the state system because it provides direction to all other sectors of the political economy.

However, scholarly debate has been generated regarding which governmental or political system is compatible with and can reinforce good governance. The debate has generated the need to classify democracies as social, socialist, and (neo) liberal, each claiming through their differences to be the 'true' democracy. Claude Ake has pointed out that democracy in the natural and classical sense is exact because it connotes popular power; it is not representative governance or delegated authority. Instead, it is about the widespread expression of power by the people (Ake, 2000). Liberal democracy and its variants are premised on government by the people's consent. Power is not directly exercised by the people but through their elected representatives (Agara, 2010). This makes liberal democracy substantively differ from classical democracy despite the former's notion of egalitarianism, inalienable human rights, popular participation, accountability, and the rule of law. As Nairn has rightly observed, "the representative mechanism converted real class inequality into the abstract egalitarianism of citizens, individual egoisms into an impersonal collective will, what would otherwise be chaos into a new state legitimacy" (Nairn, 1977). Indeed, Ake has also observed that "instead of collectivity, liberal democracy focuses on the individual whose claims are ultimately placed above those of the collectivity. It replaces government by the people with government by the consent of the people instead of the sovereignty of the people, and it offers the sovereignty of law. In the final analysis, liberal democracy repudiates popular power" (Ake, 2000).

However, the "third wave of democratization" which Huntington (Huntington, 1991) had rightly observed and which is sweeping through Africa was due partly to the propagation and African state's acceptance of this propaganda by the international community (donor nations, international organizations such as World Bank and International Monetary Fund (IMF)) who made it a precondition for assistance to the African states. Implied in this insistence is the fact that there is no substitute for liberal democracy. Equally implicit in accepting a liberal democratic system is its economic equivalent, capitalism, which manifests in a free market economy, private property, and accumulation. Thus, liberal democracy upturns the classical democratic tenets and instead, as Adejumobi has noted, puts market, private property, and accumulation first before distribution and equality and rights issues. This partly explains why social tensions and contradictions reflected in aggression, violence, police brutality, murder, and arson are part of the social culture of Western liberal democracies and are manifested in democratic African states (Adejumobi, 2004).

4. PROBLEMS OF GOVERNANCE AT STATE LEVEL IN AFRICA

The imposition of liberal democracy as the only form of governance capable of bringing about the much-desired development by the international community on African states has constituted a significant problem of good governance for African leaders. The problem is two-fold. First is with liberal democracy itself as both a concept and a practice. Second, the tenets and principles need to be on the ground before liberal democracy can be instituted and effectively practiced.

In Western societies, the adoption of liberal democracy as a governmental format resulted from a logical continuation or outgrowth of their historical development in which private property and a market-driven economy and society were created due to and accentuated by the industrial and technological revolution. The existence of a market-driven society and economy with its numerous inadequacies and inequalities engendered the need for a political structure or format to serve and protect the base, that is, the economy. Hence, liberal democracy becomes compatible with a market-driven economy. Thus, Ake's observation that to equate liberal democracy with classical democracy is to devalue and trivialize the concept of democracy basically because while democracy seeks the realization of human potential through active participation in rulership, liberal democracy offers only protection. Freedom is positive and activist; in the latter, it is a passive acceptance of immunity. The former enables and empowers, while the latter prevents and protects (Lively, 1975).

Thus, liberal democracy evinces values similar to the society in which it was spawned. The market-driven economy's values have now become the core values of liberal democracy: egotism, private property, acquisitive tendency, formal freedom, equality, and, more critically, limited government. The current drive to enforce democracy of the liberal type with its economic concomitant, such as market, private property, and accumulation on African states, had once again forced an unprepared African continent into a current flow it is ill-prepared to fit in. African states and their leaders have adopted the 'letters' of liberal democracy without its 'spirit,' which is necessary to install and institutionalize democracy effectively. What passes as indices or actual manifestations of democracy and good governance in African states that have accepted and adopted liberal democracy are diametrically different from what obtains in Western societies. The question then is, why the difference? It will seem, therefore, that the problem of good governance in Africa goes beyond the mere adoption of liberal democracy to more fundamental issues.

Like every form of political format, liberal democracy has its institutional framework and procedural and behavioral dimensions. The structural or institutional dimension stipulates that a democratic government must include a constitution, political parties, and government structures incorporating the three arms of an independent judiciary, legislature, and executive. On the other hand, the behavioral dimension includes the critical attitudes and qualities found in the people but underpins the proper conduct of a democratic political system. This has been referred to as "civic culture." Thus, apart from tolerance of opposition and compromise that made up the civic culture, democracy of the Western liberal bourgeois type also has specific desirous effects. First, it increases the probability that the government will follow or be guided by the general interest. This is because "how governments act is affected by the constitutional systems through which they emerge…and democracies will ensure that governments pursue policies in the general interest or for the common good" (Parry, 2005). In both parliamentary and presidential government systems, political parties compete, and victory is only ensured if a political party can produce good policies that will satisfy most citizens. Thus, the dictates of a democratic system require that the government submit itself to periodic assessment and renewal of the mandate. Within the framework of choices, this implies that the government in power and which wishes to retain power must be responsive to the wish of the governed.

Second, the liberal democratic form of government also imposes some restraint on the state. The state's right is limited by specific constitutional provisions that assure the rights of individuals and groups. Thus, in this regard, the "temptation of the political leadership to wield absolute power is restricted by the competitive nature of democracy" (Anderson, 1977) This imposes some restrictions that make liberal democratic government a limited government as arbitrary use of power is curtailed. This probably provides us with one of the reasons that endeared liberal democracy to the bourgeoisie: it protects them from arbitrary state interference in their pursuit of and acquisition of wealth. Third is that a competitive democratic system compels attention not just to the form of government but also to the substance of politics as much as political parties compete based on what they offer to the electorates. A fourth one is that democracy gives the citizenry more opportunities to participate in political decisions. The literature on mass society and political participation suggests that citizens' participation in decisions can be either as individuals or as members of groups. It is only in this sense that representative democracy encourages "a belief by the masses that they exercise an ultimate self-determination within the existing social order…a credence in the democratic equality of all citizens in the government of the nation" (Dunn, 1986). Finally, the primary concern of democracy with the formal political equality of all citizens, the majority of whom are economically disadvantaged, provides for the economically advantaged and influential groups to dominate and frequently hijack the system, thereby undermining the notion of political equality. Perhaps more than any other reason, this particular advantage made democracy attractive to the bourgeois. The absence of all these desirous results, principles, and nuances of liberal democracy in African states has compounded the governance problem.

Western policymakers' insistence on institutionalizing liberal democracy and good governance as a basis for development in Africa implies a synergy between the two. However, a contrary view argues that the attempts to link liberal democracy with good governance are to ideologies and prevent the latter. The argument premised on good governance being not about a mode of polity or a procedural arrangement but a holistic and consequential variable. It is not about forms of government but the result of governance. It is not the process or course of a political rule but its effects. Good governance is all about practical and productive governance. Therefore, it is anti-ideological and best defined ostensibly rather than by semantic prescriptions. As Adejumobi has further noted, good governance at the micro level denotes organizational effectiveness, which is the capacity of an organization to achieve tasks assigned to it within set rules and regulations and

favorable environmental conditions (Adejumobi, 1999). At the macro level, good governance is about engendering public welfare and promoting the greatest happiness for the most significant number of people. The anomaly within the liberal democracy as practiced by most African states is that most of the state institutions whose workings would have made for good governance, such as the bureaucracy, judicial system, police force, and the military, are essentially undemocratic in terms of how they are organized and run, especially in areas of promotion, appointment and operational procedures (Agara, 2007, 2010).

All these constitute fundamental contradictions in the governance system of African states that, in most cases, have denied citizens access to the so-called dividends of democracy and development that liberal democracy harnessed with good governance should have delivered. A strong informal patron-client politics has permitted the diversion of resources and foreign aid from productive ends to meet the needs of individual politicians, their hangers-on, and the godfather-broker and godfather-patron. The failure of good governance is, therefore, responsible for the spate of conflicts, wars, and genocides being experienced in Africa today (Falk, 2017). Rebel groups and militias have sprung up, and political succession has become problematic. Elections are rigged, corruption is vet rife, and criminality and inordinate political ambition now characterize the governance environment of virtually all of the African states, as the present instability in the Middle East and North Africa (MENA) has shown. All these are despite the resolution of the AU.

5. ROLE OF AU IN GOVERNANCE

Although democracy has been accepted by virtually all leaders at the AU summit, the actual practice of it in the respective states has thrown up many problems, as enunciated above. The peaceful resolution of these internal problems has led to the need to question the role of the AU in governance seriously. If the different states have failed to practice democracy effectively, should the AU also fail to ensure that governance is not an issue in Africa? What role should AU play in this regard? The role that the AU is expected to play in governance cannot be divorced from its mandate. As stated earlier, although the most critical element of the AU is its authority to intervene in the internal affairs of member states in cases of gross violation of human rights through its peacekeeping force, the Summit concluded on September 9, 1999, with the Sirte Declaration aimed at:

a. Effectively addressing the new social, political, and economic realities in Africa and the world;
b. Fulfilling the people's aspirations for greater unity in conforming with the objectives of the OAU Charter and the Treaty Establishing the African Economic Community;
c. Revitalizing the Continental Organization to play a more active role in addressing the needs of the people;
d. Eliminating the scourge of conflicts;
e. Meeting global challenges and
f. They are harnessing the human and natural resources of the continent to improve living conditions.

To achieve these aims, Summit, among other things, decided to:
a. Establish an African Union in conformity with the ultimate objectives of the Charter of our Continental Organization and the provisions of the Treaty establishing the African Economic Community.
b. Accelerate the process of implementing the Treaty establishing the African Economic Community, in particular:
c. Shorten the implementation periods of the Abuja Treaty,
d. Ensure the speedy establishment of all the institutions provided for in the Abuja Treaty, such as the African Central Bank, the African Monetary Union, the African Court of Justice, and the Pan-African Parliament.
e. It is strengthening and consolidating the RECs as the pillars for achieving the objectives of the African Economic Community and realizing the envisaged Union.
f. Convene an African Ministerial Conference on Security, Stability, Development, and Cooperation in the Continent as soon as possible.

Although the OAU has served its mission and was due for replacement by a structure geared towards addressing the current needs of the continent, and although the objectives of the AU are different and more comprehensive than those of the OAU, they nevertheless serve as the base for the new and improved objectives of the AU and are still relevant to the workings and philosophy of the current AU. The aims of the defunct OAU are:

a. To promote the unity and solidarity of African States;
b. To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
c. To defend their sovereignty, territorial integrity, and independence;
d. To eradicate all forms of colonialism from Africa; and
e. To promote international cooperation.

Comparatively, the objectives of the African Union, as contained in the Constitutive Act, are to:
a. Achieve greater unity and solidarity between the African countries and the peoples of Africa;
b. Defend the sovereignty, territorial integrity, and independence of its Member States;
c. Accelerate the political and socio-economic integration of the continent;
d. Promote and defend African common positions on issues of interest to the continent and its peoples;
e. Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
f. Promote peace, security, and stability on the continent;
g. Promote democratic principles and institutions, popular participation, and good governance;
h. Promote and protect human peoples' rights following the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
i. Establish the necessary conditions that enable the continent to play its rightful role in the global economy and international negotiations;
j. Promote sustainable development at the economic, social, and cultural levels, as well as the integration of African economies;
k. Promote cooperation in all fields of human activity to raise the living standards of African peoples;
l. Coordinate and harmonies the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
m. Advance the development of the continent by promoting research in all fields, in particular in science and technology and
n. Work with relevant international partners to eradicate preventable diseases and promote good health on the continent.

At the Durban meeting, the Presidents of South Africa, Senegal, and Nigeria insisted that sovereignty can no longer be used to hide misconduct by leaders, and in order to ensure acceptability by the West and debt relief for African states, they promised that a peer review committee would be set up to ensure that members comply with standards of good governance and fiscal responsibility. Thus, an Africa Peer Review Mechanism (APRM) was set up, and this constitutes the primary mechanism used by the AU for governance and empowers the AU to intervene and monitor the activities of member states. Unlike the OAU, the AU now has the right to intervene in gross human rights violations and crimes against humanity. For this reason, forming a peacekeeping force drawn from African armies was approved and adopted to militate and control the possible excesses of leaders.

This has raised two critical issues: territorial sovereignty and humanitarian intervention. In International Law, nations are supreme within their boundaries; they are the absolute regulators of matters, persons, and properties. Hence, no person within the territory of a nation can assert more rights than those accorded him by that nation. This is because there is no higher superior power than the sovereign. Thus, the way a nation conducts itself within its territory cannot be the business of another nation; as such, interference by another nation will be viewed as an infringement on the territorial sovereignty of that nation. However, the apostles of humanitarian interventionists have argued that infringing on a nation's territorial sovereignty in order to curb human rights abuses is a violation that is justifiable and is based on reasonably good cause. Put differently, intervention in a nation's sovereign territory is permissible for humanitarian reasons, whereas proponents of territorial sovereignty are adamant that human rights violation is not a sufficient reason for this violation. The humanitarian interventionists argue that no nation is the absolute determinant of the rights of its citizens since these rights transcend the level of territorial recognition to embrace international recognition, and therefore, nations are obliged to uphold these rights. There are numerous international organizations created to ensure their observance by nations. Given this scenario, humanitarian intervention can be collective or unilateral. Collective humanitarian intervention arises when such is carried out by and with the authorization of a recognized international

organization such as the UN or the AU. It becomes unilateral when it is carried out without the authorization of such bodies. Clear examples of this are the US intervention in Iraq and Afghanistan.

6. CONCLUSION

The African Union succeeded an organization widely criticized for its inability to mediate the continent's conflicts. The most critical element of the AU is its authority to intervene in the internal affairs of member states. The issue now is whether the AU will be able to use its new powers or whether the competing interests of its leaders will paralyze it. Nevertheless, despite some initial skepticism, the African Union opens a new era for Africa, where peace, democracy, and good governance are finally considered the necessary prerequisites for development. The problem of governance presently faced by the AU, although more African countries are beginning to sow the seeds of genuine democracy, is that the problem of reoccurring conflicts in Africa has dwarfed the growth of these infant democracies. These problems have stretched the AU's capacity to monitor and ensure that African nations stick to the tenets of good governance and, in some cases, have rendered the AU a mere spectator on the sidelines since most of Africa's problems occur within the borders of member countries. The people of Africa suffer from the consequences of AU's ineffectiveness. That ineffectiveness of the AU, which is based on an illogical perversion of its laws, is what has condemned the people of Somaliland to the failed state of Somalia. Somaliland, a young nation with a legitimate claim to regaining its sovereignty, has been hindered and shunned by the AU as there have not been enough African leaders who can see beyond the issue of sovereignty. The AU's ineffectiveness is only benefitting and abetting the African leaders that have mainly created the fertile environment for which civil wars, nepotism, corruption, disease, and famine flourish. The AU has been unable to transcend the status quo and upholds the same pro forma that had abased the Organization of African Unity (OAU) bureaucratic system. The AU does not have the luxury of blowing out reoccurring fires like the current coup in Niger, as there are more daunting problems. At the time of the name change from OAU to the AU, the reason was to implement better operating methods that would question the prevailing customary notions that had justified its laws. Without drastic change, the AU and its summits will only continue to be upstaged by problems that it does not have the mandate to tackle, like in Sharm El-Sheikh, Egypt, where Mugabe and the Zimbabwe power-sharing were the center stage and prior to that was the Kenyan presidential turmoil. The AU seldom asked if the policies it relentlessly propped up were helping or hindering the people it was serving. The AU's name or flag change will not remit anything tangible; worse, it will lose its credibility and further erode its legitimacy. These superficial touch-ups and political hyperbole will not reach the root of the re-emerging problems derailing African hopes. If the sovereignty issue is unchallenged, it will be a fertile source for further troubles for all Africans.

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