ELECTORAL AUTHORITARIANISM AND DEMOCRATISATION IN AFRICA: THE ROLE OF THE AFRICAN UNION

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Abstract

Political leadership in Africa is changing. Evidence of this can be found in the Arab Spring, democratic elections on the continent and the rejection by the African Union (AU) of undemocratic and unconstitutional regime change on the continent. However, procedural rather than substantive democracies operate on the continent, often entrenching authoritarian regimes through elections. These elections show some signs of democratisation and democratic participation, but result predominantly in the extension of the competitive authoritarian regime. The AU subscribes to universally accepted democratic norms, which are often not realised in member states, or sanctioned by the AU. This tacit approval of electoral authoritarianism requires an investigation into the role, if any, of the AU in entrenching electoral authoritarianism on the continent. Applying Levitsky and Way's (2002; 2010) analytical framework leads to the conclusion that the AU has exerted leverage over authoritarian presidents and their regimes in all but a few cases. However, the AU is not yet able to advance the democracy project on the continent, as linkages focus predominantly on socio-economic development and infrastructure expansion rather than the promotion of democracy *per se*.

Keywords: Africa, African Union, electoralism, electoral authoritarianism, democratisation, democracy, leverage, linkage

INTRODUCTION

The African Union (AU) is the successor to the pan-African organisation, the Organisation of African Unity (OAU). Since 1963, and in the wake of decolonisation on the continent, African countries have attempted to establish fully-fledged democracies. The post-Uhuru phase, however, was marked by dispensations such as one-party states and undemocratic political arenas.

One of the key features of the post-Cold War era was the wave of democratisation that swept the globe. Africa was not exempted from this and followed the regime trajectories explained by Levitsky and Way (2010, 37), namely democratisation (removal of autocrats and their replacement by democrats); stable authoritarianism (autocrat or autocrat's successors remain(s) in power for at least three terms); and unstable authoritarianism (autocrat removed, but successors remain undemocratic).

Elected authoritarian regimes have remained prevalent since the establishment of the AU despite the AU's innovations in respect of leverage and linkage. Basing myself explicitly on the analytical and theoretical scholarship of Levitsky and Way (2002; 2010), in this article I aim to determine whether the AU exerts any leverage over elected authoritarians and their regimes to democratise substantially and procedurally, and whether the AU entrenches linkages with former colonial powers and emerging powers ('black knights'), such as China and India, on the continent. The decision to apply the scholarship of Levitsky and Way is deliberate, as it offers new analytical tools to explore the theme of this article, as explored in the next section.

ANALYTICAL FRAMEWORK

Unlike full authoritarian regimes, competitive or electoral authoritarian regimes are characterised by constitutional channels allowing opposition groups to compete with the executive power. In addition to these democratic channels, regular competitive elections are conducted. Opposition groups are therefore able to contest power openly and regularly. Levitsky and Way (2002, 54–58) identify four arenas of contestation in competitive authoritarian regimes in which opposition forces challenge authoritarian regimes, namely the electoral arena, the legislature, the judiciary and the media. However, a significant feature of competitive or electoral authoritarian regimes is that they are competitive and democratic *and* authoritarian owing to the incumbent's and/or the incumbent ruling party's use of state institutions and violence to undermine free elections, human rights and the political arena, all of which are features of democracy. Therefore, according to Levitsky and Way (2010, 4, 5, 7), competition in electoral authoritarian regimes is real but *unfair* because the incumbent, the incumbent party and the opposition do not share the same advantages.

A "hyper-incumbency advantage" (Levitsky and Way 2010, 9) improves and maintains an incumbent's organisational power to use coercive structures to repeatedly and regularly violate opposition groups and democratic rules and norms. This means that the regime "fails to meet conventional minimum standards for democracy". Therefore, the political playing field is uneven and intolerant of

political opposition, and elections a mere façade of democratic practice (Levitsky and Way 2002, 51).

Analyses of the international dimensions of democratisation refer to at least five mechanisms, namely diffusion, direct democracy promotion by the West, multilateral conditionality, external democracy assistance, and transnational advocacy networks (Levitsky and Way 2010, 38–39). For Levitsky and Way (40), Western leverage and linkage to the West offer greater in-depth understanding of how much international factors matter in a state's democratisation. In other words, for these authors the question is not *whether*, but how *much* international factors matter in regime type and democratisation. They conclude that where linkage to the West has been extensive, competitive authoritarian regimes democratised between 1990 and 2005. They also conclude that where linkage has been low, regime outcomes have been determined by the incumbent's party and state capacity: thus, in countries where incumbent capacity was high, regimes remained stable and authoritarian, but where incumbent capacity was low, regimes were generally unstable, and frequently remained authoritarian (38).

Western leverage refers to government's vulnerability to external democratising pressure. This includes regimes' bargaining power in respect of the West as well as their ability to avoid Western punitive action or the West's efforts to encourage democratisation. Leverage thus refers to the exercise of and vulnerability to external pressure. High linkage, therefore, refers to a lack of bargaining power and high vulnerability to punitive actions (Levitsky and Way 2010, 40–41).

Linkage refers to the densities of ties to the West and cross-border flows among countries (Levitsky and Way 2010, 43). Linkage comprises several dimensions, including economic linkage (trade, capital flows, investment); intergovernmental linkage (bilateral diplomatic and military ties, participation in Western-led alliances, treaties and international organisations); technocratic linkage (Western-educated elite and/or professional ties to Western universities or Western-led multilateral institutions); social linkages (cross-border movement of people, tourism, immigration, refugees and Diaspora); information linkage (flows of information via telecommunications, internet and Western media penetration); and civil society linkage (ties to Western non-governmental organisations, international religious organisations and other transnational networks) (43–44).

Using Levitsky and Way's (2002; 2010) analytical framework, in this article I intend to determine whether the AU exerts any leverage over electoral authoritarian regimes, and whether the AU entrenches linkages with former colonial powers and emerging powers such as China and India on the African continent. Before proceeding to the AU's normative and institutional framework on democracy, in the next section I consider the contours of the state of democracy in Africa.

STATE OF DEMOCRACY IN AFRICA

Despite some recent democratic breakthroughs on the continent, the state (by which I mean the quality) of democracy remains a concern. To contextualise the main research question posed in this article, the normative framework in respect of democracy of the AU is discussed below; in addition, reference is made to the empirical state of democracy on the continent.

With the adoption of the Constitutive Act, the AU renewed its commitment to democracy in Africa. Although political competition is institutionalised in AU-led Africa, the majority of African states are led by incumbents who further entrench their and their party's position through dominating the legislature, entrenching the ruling party, and efforts to extend presidential term limits. No ruling party lost power in Africa between 1960 and 1990. Since 2000, however, ruling parties have been voted out in Benin, the Central African Republic (CAR), Ghana, Lesotho, Kenya, Mali, Mauritius, São Tomé and Principe, Senegal, Sierra Leone, and Zambia. Whereas the number of multiparty democracies increased between 1989 and 1998, the number of one-party states decreased from 29 to 2. However, the quality of African democracy remains a concern, as several elections were characterised by security forces-led violence against opposition party supporters, candidates and journalists. This was the case in the 2011 elections in both the Democratic Republic of the Congo (DRC) and Uganda.

Further empirical evidence is presented by various annual indices that report on the state of democracy in Africa, such as the 2013 Ibrahim Index of African Governance (IIAG). Established in 2007, the Index reports on the state of governance on the continent in four main categories, namely safety and rule of law; participation and human rights; sustainable economic opportunity; and human development; and an additional 94 sub-categories. According to the IIAG, Botswana, Cape Verde, Ghana, Mauritius, Namibia, South Africa, Seychelles, and Tunisia have, since 2000, remained the most stable on the continent. By contrast, Chad, the CAR, Equatorial Guinea, the DRC, Somalia and Zimbabwe remained the most poorly governed (Mo Ibrahim Foundation 2013, 1–4).

The aforesaid findings are illustrative of various other indices which, for the sake of brevity, are not discussed here. In order to contextualise and explain these positive and negative findings, an overview of the AU's normative framework in respect of democracy is presented below. This framework will then be tested against the AU's practice in selected cases in order to determine the impact of the AU on electoral authoritarian regimes in Africa.

THE AU'S NORMATIVE FRAMEWORK IN RESPECT OF DEMOCRACY

Established in 2002 and the successor to the Organisation of African Unity (OAU), which was established in 1963, the AU has attempted, among other things, to innovate the continent's normative approach to democratic governance. In Article 3 of the founding document of the AU, the Constitutive Act of the African Union (AU 2000, 4–12), members outlined the objectives of the AU. Adopted in Lomé, Togo, on 11 July 2000, the Act entered into force on 26 May 2001. The inaugural Assembly of the AU took place in Durban, South Africa, in July 2002.

In terms of this article, members aim, *inter alia*, to:

> (g) Promote democratic principles and institutions, popular participation and good governance;

> (h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments.

Article 4 of the Constitutive Act sets out the principles underpinning the AU, which include:

> (m) Respect for democratic principles, human rights and the rule of law and good governance;

> (p) Condemnation and rejection of unconstitutional changes of government.

Against the aforesaid objectives and principles, the Constitutive Act also contains reference to punitive measures against member states that contravene it. In Article 23(1), for example, it is stated that states defaulting on their financial contributions may face sanctions. More severe punitive measures are included in Article 23(2) for a member state that fails to comply with the decisions and policies of the AU. As punitive measures, sanctions such as the denial of transport and communications links with fellow member states are mentioned. However, the Act also refers to "other measures of a political and economic nature" to be determined by the Assembly, which is the supreme organ of the AU (Article 6(2)). Another punitive measure is included in Article 30, which refers to governments that come to power through "unconstitutional means", which will not be allowed to participate in the activities of the AU.

Adopted on 30 January 2007, the African Charter on Democracy, Elections and Governance (the African Charter) (AU 2007, 108–119) only entered into force on 15 February 2012. Only 21 AU members have ratified the Charter (AU 2013b, 2). The objectives of the African Charter as contained in Chapter 2 (Article 2) are to

promote the adherence to, *inter alia*, universal values and principles of democracy and human rights; the rule of law; regular free and fair elections to institutionalise the legitimate authority of representative government; and an independent judiciary. Like the Constitutive Act, the African Charter also prohibits, rejects and condemns unconstitutional changes in government (Article 2(4)), but goes further, defining the term "unconstitutional change of government" (Chapter 7 (Article 23)) as a coup d'état against a democratically elected government; a mercenary-led invasion to replace a democratically elected government; the replacement of a democratically elected government by armed dissident or rebels; any refusal by an incumbent government to relinquish power to the winning party or candidate after regular, free and fair elections; and any constitutional or legal amendment or revision which infringes on the principles of democratic change of government.

The principles of the African Charter, outlined in Chapter 3 (Article 2) include human rights; representative government; the rule of law; regular, transparent, free and fair elections; separation of powers; effective citizen participation; gender equality; recognition of the rights and role of political parties; and corruption-free governance. The African Charter also refers to the responsibilities of state parties. These include the elimination of all forms of discrimination; the promotion of a culture and practice of democracy; and public trust and transparency between leaders and their populations (Chapter 4 (Articles 4–13)). Furthermore, the Charter also obliges member states to establish publicly accountable institutions that promote and support democracy and constitutional order, and civilian control over armed forces (Chapter 6 (Articles 14 and 15)).

Chapter 8 (Articles 24–26) prescribes the sanctions against perpetrators of non-democratic governance. These include suspension from the AU; trial before an AU constituted court; sanctions and punitive economic measures; and extradition.

The conducting of regular, transparent, free and fair elections, as well as the role of electoral observer missions is prescribed in Chapter 7 (Articles 17–22) of the African Charter. AU members remain bound by two adopted declarations, namely the Declaration on Democracy, Political, Economic and Corporate Good Governance (adopted in June 2002) (NEPAD Implementation Committee 2002, 344–348) and the Declaration on the Principles Governing Democratic Elections in Africa, which was adopted in July 2002 (AU 2002a, 131–133). Section II of this declaration outlines principles of democratic elections such as the fact that it forms the basis of the authority of representative government; regular free and fair elections; the separation of powers; an independent judiciary; and impartial, accountable, competent national electoral institutions. Furthermore, the responsibilities of member states are defined in Section III as the promotion and implementation of the aforesaid principles. The rights and obligations in respect of elections are contained in Section IV, and include

the right to participate, freely associate, assemble, move and appeal. Obligations include the prohibition of violence in any form; the impartiality of the media; and the acceptance of the results of elections declared free and fair by national electoral bodies.

Compared with its predecessor, the AU has, at least on paper, made a greater commitment to democratic governance and democracy on the continent. These developments notwithstanding, the continent remains a safe haven for competitive authoritarian regimes, which may be either a consequence or a cause of the AU's practices in respect of democratic governance and authoritarian regimes. In the next section I discuss the AU's possible linkage and leverage vis-à-vis electoral authoritarian regimes on the continent.

AU PRACTICE: LEVERAGE AND LINKAGE

Leverage

Earlier I referred to conventional analyses of the international dimensions of democratisation. In following Levitsky and Way's (2002; 2010) notion of leverage and linkage, in this section I attempt to determine the role of the AU in maintaining or transforming electoral authoritarian regimes on the continent. Whereas Levitsky and Way focused only on Western leverage and linkage to the West, this article adds another dimension, namely AU leverage and linkage to the AU.

Leverage refers to a government's vulnerability to external democratising pressure and includes a regime's bargaining power in respect of the AU, as well as its ability to avoid AU punitive action or the AU's efforts to encourage democratisation. Leverage thus refers to the exercise of and vulnerability to external pressure. High linkage, therefore, refers to a lack of bargaining power and high vulnerability to punitive actions (Levitsky and Way 2010, 40–41).

The AU's leverage is determined and limited by three factors identified by Levitsky and Way (2010, 41–43): the geographical size and economic strength of a country; competing AU objectives, resulting in unequal tolerance of regimes; and so-called 'black knights', which are counter-hegemonic powers whose economic, military and other support counters that of the AU. However, leverage alone has not always succeeded. In order to determine AU leverage in respect of elected authoritarian regimes, in this article I focus on six particular issues, namely presidential terms, term limits and succession; electoralism; indictments against incumbents; the AU's sanctions regime; unconstitutional changes in government; and authoritarian bargains.

Presidential terms, term limits and succession

Africa has a historical record of presidents-for-life and one-party regimes. By 2012, 18 members of the AU had no presidential terms limits. These were Algeria, Cameroon, Chad, Egypt, Equatorial Guinea, Guinea, Gabon, Lesotho, Libya, Mauritius, the Sahrawi Arab Democratic Republic (SADR), Somalia, Swaziland, The Gambia, Togo, Tunisia, Uganda and Zimbabwe. Thirty AU members have a two-term limitation, whereas Seychelles has a three-term limit. In 2009, Niger voted in a referendum to increase presidential tenure from two to three terms (Dundas 2012, 50).

The AU's stance on presidential term limits has favoured incumbents and their regimes. This has been the case in respect of the AU's tolerance of, amongst others, Yoweri Museveni (Uganda) and Robert Mugabe (Zimbabwe). In fact, the AU has been tolerant of so-called imperial presidents, predatory presidents, presidentialism and so-called Big Men with tremendous organisational power to present a façade of democracy to the AU and the international community. However, the African Charter, in Article 23(5), favours a two-term limit in African constitutions.

Although the AU adheres to the principle of non-intervention in its member states, thus respecting their sovereignty, the AU's democracy promotion architecture is silent on presidents anointing their successors while in office and close to the end of their tenure. This issue draws attention to the internal democratic practice in ruling parties – surely a topic of importance to the AU in its promotion of democracy.

An example of a country in which a political inheritor was selected is Malawi, where President Mulizi hand-picked his successor. However, Muluzi was unsuccessful in winning the 2004 elections in his country, which brought Bingu wa Mutharika into power. Similarly, the AU was silent on the removal in South Africa of President Thabo Mbeki in September 2008, which was regarded by some as unconstitutional (Chikane 2012, 143).

Electoralism

The AU's strong focus on elections as procedure, rather than substance, has often kept authoritarian regimes in power. Following the new Zimbabwean Constitution enacted in May 2013 in terms of the Global Political Agreement (GPA), the July 2013 elections in Zimbabwe, called at short notice by President Robert Mugabe, are an illustrative example.

The AU deployed a 60-member AU Election Observation Mission (AUEOM) to the so-called Harmonised Elections in Zimbabwe, which were held on 31 July 2013. Nine long-term observers (LTOs) were deployed in Zimbabwe on 15 June 2013 to observe the pre-elections phase. On 23 July 2013, 60 short-term observers joined the

9 LTOs. Thus, 26 observer teams were deployed in Zimbabwe's 10 provinces and at counting in 350 voting stations. The AUEOM identified a number of shortcomings in the preparations for the elections and on voting day. These included the availability of the voters' roll a mere two days prior to the elections and a lack of copies of the voters' roll for inspection; an incomplete voters' roll; missing ballot papers in ballot booklets; the high incidence of voters turned away; the late publication of the final list of polling stations; the high number of assisted voters; and a biased and polarised media (AUEOM 2013b).

Despite these shortcomings, the leader of the AUEOM, former Nigerian President Olusegun Obasanjo, declared the election "free and credible" (TimesLive 2013). This indicates a focus on electoralism rather than substance, which extended Mugabe's authoritarian tenure through democracy-like procedures. In 2013, the AU deployed a number of electoral observation missions. AUEOMs were deployed for parliamentary elections in Rwanda, Swaziland, Guinea, Cameroon, and presidential elections in Zimbabwe. An LTO has been deployed in Guinea since 24 August 2013, a month before the elections on 24 September 2013 (AU 2013d, 1).

Whereas the Southern African Development Community (SADC) described the July 2013 election process in Zimbabwe as peaceful, credible and efficient, and the AU declared it "free, honest and credible" (PressTV 2013), a Zimbabwean independent non-governmental organisation, the Zimbabwe Election Support Network (ZESN) described the election as "seriously compromised".

With this declaration, the AU opted for authoritarian stability rather than democratic practice, especially against the background of the reaction (instability) to Mugabe's failure to win a previous round. In 2008, the AU and SADC persuaded Robert Mugabe to form a unity government with Morgan Tsvangirai, based on the Global Political Agreement (GPA). This unity government effectively further entrenched Mugabe's tenure as an elected authoritarian even though Mugabe effectively lost the election to Tsvangirai's Movement for Democratic Change (MDC).

Another example of the AU's practice of electoralism is its approval of the DRC elections in 2011, during which Joseph Kabila was re-elected despite reports of election fraud. Swaziland's elections of September 2013 were openly criticised by the AUEOM due to the ban on political parties competing in the elections, despite constitutional guarantees to this effect (AUEOM 2013a). The AUEOM was also critical of the undemocratic nature of the Swazi political party-less Tinkhundla system, and called on Swaziland to comply with the African Charter on Human and Peoples' Rights and to implement the African Commission's 2012 Resolution on Swaziland calling on the government to respect human rights (OSISA 2013). Once again, the AU opted for stability rather than democracy.

The AU is unable to access and assess the informal institutions that Levitsky and Way (2010, 27) refer to. These informal institutions are used when objectives such as maintaining power cannot be achieved through formal institutions. However, informal institutions to determine the outcome of an election could include strategies such as vote-buying, manipulation of the vote count, and ballot box stuffing. Another informal institution is organised corruption such as blackmail, bribery and illicit ownership. A third informal institution is mechanisms of oppression such as tax and libel laws. A final informal institution is privatised violence to suppress opposition. An example of the latter is the existence of the so-called war veterans in Zimbabwe, who are not formally linked to the security forces, but assist incumbents to maintain power.

Thus, in the DRC, Swaziland and Zimbabwe the AU exercised little leverage, as no incumbents and their governments were subjected to external democratising pressures. Both regimes also avoided AU punitive action in respect of the shortcomings of their respective elections.

Indictments against incumbents

The AU Extraordinary Summit on the International Criminal Court (ICC), which took place from 11 to 12 October 2013, is indicative of the AU's dualistic approach to democracy, accountability and electoral authoritarianism on the continent. The Extraordinary Summit reiterated the AU's "unflinching commitment to fight impunity, promote human rights and democracy, and the rule of law and good governance". The AU also repeated its concern regarding the "politicization and misuse of indictments" against African leaders by the ICC (AU 2013a, 1). However, the Extraordinary Summit decided that no charges would be instituted or continued before any international court or tribunal against any serving AU head of state or government during their tenure (2).

The AU's sanctions regime

The Constitutive Act of the AU contains provisions in respect of punitive measures in response to contraventions of the Act. Moreover, the Constitutive Act is intolerant of undemocratic governance and sovereignty. An example is the AU's right to intervene in respect of "grave circumstances" such as war crimes, genocide and crimes against humanity (Article 5(h)). Added to these principles is a sanctions regime unprecedented in the history of the OAU/AU.

The Constitutive Act provides for the institution of sanctions in respect of financial contributions (Article 23(1)); failure to comply with decisions and policies of the AU (Article 23(2)); and of governments that gained power through

unconstitutional means (Article 30). For the purposes of this research, Article 23(1) on financial contributions will not be dealt with. Of greater interest is the AU's leverage in respect of members that fail to comply with AU decisions and policies, and unconstitutional access to power. Article 23(2) sets out the type of sanctions that may be instituted against contravening members. These include the denial of transport and communication links and "and other measures of a political and economic nature to be determined by the Assembly". This provision is problematic, as the term "other measures" is open to interpretation. It has been interpreted as excluding expulsion as a punitive measure or sanction, as the article refers to "measures of a political and economic nature" only (Magliveras 2011, 8).

Despite Namibia's proposal at the 17th Ordinary Session (30 June to 1 July 2011) (which was supported by other members) on considering some action against AU members who do not implement AU decisions, the AU has never imposed any sanction in terms of Article 23(2) (Magliveras 2011, 8). Therefore, the AU has not exerted any leverage on elected authoritarian regimes in this respect.

By 2011, eight AU members had been suspended and/or faced sanctions by the Peace and Security Council (PSC) for unconstitutional changes in government. These were Madagascar, Togo, the CAR, Mauritania, Guinea, Niger, Guinea-Bissau and Côte d'Ivoire. The PSC had also implemented sanctions against a secessionist group in the Comoros (Sturman 2011, 2) and condemned unilateral actions of sub-state actors such as the referendum in Abyei in October 2013.

Unconstitutional changes in government

Unconstitutional changes of government, or coups, have taken place in a large number of African countries since the establishment of the AU; these include the CAR (March 2003), São Tomé and Principe (July 2003), Guinea-Bissau (September 2003 and April 2012), Togo (February 2005), Mauritania (August 2005 and August 2008), Guinea (December 2008), Madagascar (March 2009), Niger (February 2010), and Mali (March 2012) (Paterson 2012, 25).

The AU's sanctions regime includes a third element, that is, the imposition of sanctions against governments that come to power through unconstitutional means. Both the Constitutive Act and the African Charter prohibit, reject and condemn unconstitutional changes in government. In fact, the heading of Article 30 of the Constitutive Act reads "Suspension" and contains the sanction that these governments shall not be allowed to "participate in the activities of the Union". Therefore, the state is not suspended and not prevented from participating; however, its representatives (e.g. coup leaders) are. The AU has on many occasions ordered the suspension of the participation of a particular country, whereas it should have

suspended the de facto authorities (government of coup leaders) (Magliveras 2011, 9).

Adopted in 2007, the African Charter on Democracy, Elections and Governance contains the AU's principles in respect of democratic rule, and the imposition of sanctions on those contravening these principles. The Charter also defines "unconstitutional changes in government" (Article 23), and in Article 25 outlines the sanctions in this respect, namely immediate suspension of the right to participate in the activities of the AU while the suspended authority remains obliged to fulfil its obligations (such as human rights) to the AU; perpetrators of the unconstitutional change of government shall not be allowed to participate in elections to restore democratic order, or hold any position in political institutions of the state; perpetrators may also be tried before a competent court of the AU; states that have instigated or supported unconstitutional changes in government shall be subject to sanctions; the Assembly may decide to apply other forms of sanctions on perpetrators, including punitive economic measures; and member states are prohibited from harbouring or giving sanctuary to perpetrators of unconstitutional changes in government and are obliged to bring these perpetrators to justice or extradite these perpetrators (AU 2007).

The AU PSC has significant powers in respect of the perpetrators of unconstitutional changes of government and, in terms of Article 7(g) of the Protocol relating to the Establishment of the Peace and Security Council of the African Union (which entered into force on 26 December 2003), can impose sanctions against such a state; it is the only AU organ apart from the AU Assembly with such powers (AU 2002b).

Following the coup in the CAR on 15 March 2003, the country was suspended from the activities of the AU policy organs. This suspension was lifted in June 2005 once the AU had declared that it considered the country's legislative and presidential elections a return to democratic rule. Similarly, the de facto authorities that seized power after the death of President Gnassingbé Eyadéma of Togo on 5 February 2005 were suspended from the activities of the AU. The suspension was lifted by the PSC in May 2005 (Magliveras 2011, 15–16).

Following the coup in Mauritania on 3 August 2005, rather than suspend the de facto leaders of the country, the PSC suspended Mauritania's participation in AU activities. This suspension was upheld by the PSC in June 2006, and lifted by the PSC in April 2007. The PSC's decisions following the Mauritanian coup on 6 August 2008 merit further investigation. Once again, the PSC did not suspend the unconstitutional authorities of Mauritania. Instead, it issued a communiqué stating that several AU documents provided for the "automatic suspension of the participation of the country concerned". When Mauritania had not made any

progress towards democratisation by September 2008, the PSC issued an ultimatum to Mauritania: either President Abdallahi was to be restored, or the coup executors and their supporters were to face "sanctions and isolation". Moreover, the PSC declared null and void all the constitutional measures adopted by the coup plotters. The situation in Mauritania continued to attract the attention of the PSC until January 2009, when the PSC was to meet to consider the imposition of sanctions; by February 2009, the PSC declared that the earlier ultimatums it had issued had entered into force. It was only by June 2009 that the PSC, after several democratic developments in Mauritania, lifted the suspension of the country's participation in the AU and cancelled the sanctions (Magliveras 2011, 18–21).

The PSC's handling of the Mauritania issue reveals some limitations of the AU's ability to exert leverage. The PSC repeatedly extended the implementation of punitive actions against Mauritania, in that way extending the constitutional crisis in that country for more than a year.

The Arab Spring significantly challenged the AU's view on unconstitutional changes of government, in that it does not make provision for democratic uprisings. Long-term ideological benefactor of the AU, Muamar Gaddafi of Libya, was unconstitutionally removed from office, as was the leader of another major AU power, President Hosni Mubarak of Egypt. Clearly, this was a contravention of the AU provisions in this respect. However, the AU was quick to focus on the democratic nature of these uprisings (thus introducing a doctrine of supporting democratic uprisings), and established a PSC High Level Ad Hoc Committee composed of heads of state to engage with Libya to resolve the crisis. Several AU-led meetings with Gaddafi followed. Although Brother Leader's exit was not specifically stated, it was clear that his and his regime's survival was threatened. Some discussions on a potential host for an exiled Gaddafi took place, and AU members were called upon to contribute military observers and troops for the ceasefire. None responded, however. African division on the issue further undermined AU initiatives. By May 2011, the situation in Libya had come to a head, resulting in the AU Ad Hoc Committee stating that Gaddafi must vacate his office. When the TNC fighters entered Tripoli in August 2011, the die was cast, and African countries such as Nigeria and Ethiopia recognised the TNC government.

In July 2013, the PSC suspended Egypt indefinitely following the military coup against President Mohammed Morsi, who was elected on 17 June 2012. The AU remains engaged with Egypt, as the country has not stabilised since Morsi's removal from office. The Libya and Egypt crises highlighted several weaknesses of the AU's leverage. First, the AU's definition of unconstitutional changes of government should include democratic uprisings. Second, the AU proposal for a negotiated settlement in Libya failed. Third, some AU members did not support the AU position on Libya.

Fourth, the Libya issue revealed the limitations of the AU's finances and members' limited contributions. Fifth, the PSC declined to impose sanctions against Gaddafi's government for its crack-down on democratic forces, and did not suspend Libya from the activities of the AU. Finally, the Libya and Egypt crises also highlighted the limits of African linkages with international actors such as individual countries and multilateral organisations such as the UN and NATO (De Waal 2012).

Authoritarian bargains: AU negotiated settlements and mediation

An area where the AU's leverage is limited in respect of electoral authoritarian regimes is its practice of negotiated settlements, power-sharing/unity governments and mediation. In Zimbabwe (2010), Kenya (2008), Madagascar (2009) and Sudan (2005), for example, negotiated settlements kept undemocratic leaders in office for additional terms.

In 2008, the AU and SADC persuaded Robert Mugabe to form a unity government with Morgan Tsvangirai based on the GPA. This unity government effectively further entrenched Mugabe's tenure as an elected authoritarian, even though he had effectively lost the election to Tsvangirai's Movement for Democratic Change (MDC).

President Paul Biya of Cameroon was constitutionally required to step down in 2011 after tenure of 25 years. However, on 31 December 2007, he unilaterally proposed a re-examination of the Cameroonian constitution to extend his term. Here, the rationale for these authoritarian bargains is to stabilise rather than democratise member states (Dundas 2012, 52–53).

Linkage

The AU's linkage with former colonial and contemporary emerging powers can shed some light on the longevity, or not, of electoral authoritarian regimes. Here, linkage refers to the "densities of ties" (Levitsky and Way 2010, 43) with the rest of Africa, and the above-mentioned powers, and cross-border flows among countries. Geographical proximity is another important determinant of linkage. AU member states such as Egypt, Morocco and Algeria have, in some instances, displayed greater pan-Arab loyalty than pan-African (i.e. sub-Saharan) loyalty.

Linkage comprises several dimensions, including economic linkage (trade, capital flows, investment); intergovernmental linkage (bilateral diplomatic and military ties, participation in Western-led alliances, treaties and international organisations); technocratic linkage (Western-educated elite and/or professional ties to Western universities or Western-led multilateral institutions); social linkages (cross-border movement of people, tourism, immigration, refugees and Diaspora); information

linkage (flows of information via telecommunications, internet and Western media penetration); and civil society linkage (ties to Western non-governmental organisations, international religious organisations and other transnational networks) (Levitsky and Way 2010, 43–44).

These linkages increase international awareness of regime quality; the diffusion of democratic norms; and actors' incentives, capabilities and interests (Levitsky and Way 2010, 45). In the case of Darfur, a region of Sudan, international linkages through, for example, non-governmental organisations and the media have not influenced Omar al Bashir regime's resolution of the human rights abuses; this demonstrates the limited effect of linkages, as there appears to be no incentive for the Bashir regime to act democratically. Neither the African Union–United Nations Hybrid Operation in Darfur (UNAMID) nor the United Nations Mission in Sudan (UNMIS) has been able to resolve the issue. Moreover, al Bashir, despite an ICC indictment issued against him, has the support of the AU and Arab League (linkage by proximity with the Arab world). Moreover, China, a permanent member of the UN Security Council and an AU benefactor that keeps the Bashir regime afloat, continues to invest extensively in Sudan.

Linkages also have the ability to shape the distribution of power and resources by, for example, harbouring anti-regime individuals or groups, thus minimising regime access to and abuse of them. Ties to pro-democratic governments may also assist democratic forces opposing electoral authoritarian regimes. However, the AU's ability to distribute power and resources by supporting pro-democracy groups is undermined not only by its non-intervention principle, but also on an operational and financial level. Operationally, the AU has few resources for promoting democracy on the continent, as it is biased in favour of incumbents, their ruling parties and states. Financially, with over 97% of its projects funded by donors (*Business Day Live* 2013), the AU simply lacks the funds for such a project.

However, institutionally, the AU has structures that have been established to promote pro-democracy movements, governments and opposition groups. These include the Economic, Social and Cultural Council (ECOSOC), the African Peer Review Mechanism (ARPM), the Pan-African Parliament (PAP), and the African Court on Human and Peoples' Rights. Nevertheless, the AU banned several civil society organisations and NGOs from attending the AU Summit in May 2013 in commemoration of the 50th anniversary of the OAU. This was the first such ban in the 50-year history of the OAU/AU (*The Guardian* 2013).

Other examples of the AU's linkages are its annual consultative meeting between the PSC and the UNSC; its continent-to-continent partnerships (EU, Arab world, South America and the Asian–African Sub-Regional Organisations Conference (AASROC)); and continent-to-country partnerships (India, Turkey, US, (through the

African Growth and Opportunity Act I and II), France, Korea, China (through the Forum on China–Africa Cooperation), and Japan (Tokyo International Conference on African Development)). The AU also has partnerships with institutions similar to the AU, such as the League of Arab States, the Organisation of American States, the Organisation for Islamic Cooperation, the Commonwealth and La Francophonie (AU 2013c).

CONCLUSION

In this article I have attempted to determine whether the AU's leverage and linkage with the AU specifically, and the West and other actors generally, benefit electoral authoritarian regimes in Africa. Following Levitsky and Way's (2002; 2010) analytical framework, I discussed aspects of both leverage and linkage, with greater attention being paid to the AU's leverage.

Unlike the United Nations Security Council (UNSC), the AU lacks the power to enforce its decisions, with the exception of the suspension of members that have undergone unconstitutional changes of government. Africa's governance architecture relies on the voluntary compliance of its members. Low levels of ratification are evident in respect of several governance-related instruments such as the African Charter on Democracy, Elections and Governance; the APRM, which less than half the AU members have acceded to; and the African Court of Justice.

I have also attempted to show through illustrative examples that despite its democracy promotion architecture, the AU has exerted relatively little leverage on electoral authoritarian regimes. In the article I analysed its leverage in respect of six issues, and concluded that the AU has exerted little leverage with regard to presidential terms, term limits and succession. Moreover, through its focus on electoralism rather than the substance of democracy, the AU favours elected authoritarianism. By focusing on electoralism, AU election observation missions, for example, are unable to focus on the organisational power of the incumbent. The use of informal institutions, despite reference to these in mission reports, is not punished. In the third instance, the AU vehemently opposes ICC indictments against incumbents and has made a case that the ICC specifically targets the continent. In the fourth instance, the success of the AU's sanctions regime is mixed. Fifth, the AU's focus on unconstitutional changes in government benefits electoral authoritarians. However, AU policies do not make provision for democratic uprisings such as the Arab Spring-related events on the continent since 2011. Finally, the AU has struck some authoritarian bargains through negotiated settlements and its mediation efforts which, in some instances, benefited the incumbent electoral authoritarian regime.

Linkages notwithstanding, the AU remains unable to advance the democracy project on the continent, as these linkages focus more on socio-economic development and infrastructure expansion than the promotion of democracy *per se*. One would therefore expect that conditionalities set by these linkage actors would have had some impact in terms of investment. However, so-called 'black knights' such as China have undermined these efforts by not setting any conditionalities.

What is to be done? The AU is merely a decade into its existence and has already made major strides compared with its predecessor. However, elected authoritarians flourish on the continent, and there is no level playing field for democracy. For the AU to terminate its support for elected authoritarians and to realise its stability-peace-development-democracy nexus, it has to move beyond mere rhetorical statements.

First, individual AU members should domesticate procedural and substantive democracy. Second, punitive measures against members should be instituted according to, for example, the provisions of the Constitutive Act and the African Charter. Third, members should be brought to book for failing to make financial contributions: a lack of funds undermines the operation of the AU. Fourth, AU members should ratify the respective AU policies, Acts, Declarations and so on. In the fifth instance, the AU should be consistent in, for example, its declarations on elections: its declaration on the Sierra Leone elections of November 2012 stated that the elections were conducted in a "peaceful and credible manner", whereas it should have issued a statement on the outcome of the elections (whether these had been free and fair) (AU 2012, 8).

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